



Organisation for Economic Co-operation and Development

**DAF/WGB(2018)43**

**Unclassified**

**English - Or. English**

**19 November 2018**

---

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

**Cancels & replaces the same document of 25 September 2018**

**Phase 3bis follow-up: additional written report by Greece**

**Paris, 9-11 October 2018**

**JT03439848**

## PHASE 3BIS EVALUATION OF GREECE: OCTOBER 2018 WRITTEN FOLLOW-UP REPORT

### *Instructions*

*This document seeks to obtain information on the progress Greece has made in implementing some of its Phase 3Bis evaluation report and based on the conclusions of the two year written follow-up report of June 2017<sup>1</sup>. 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 **19 September 2018**.*

<b>Name of country:</b>	<b>Greece</b>
<b>Date of approval of Phase 3Bis evaluation report:</b>	<b>12 March 2015</b>
<b>Date of information:</b>	<b>21 September 2018</b>

---

<sup>1</sup> At the time of its two year written follow-up report in June 2017, Greece was asked to report on the recommendations listed in this document.

## PART I: RECOMMENDATIONS FOR ACTION

### *Recommendations for ensuring effective investigation, prosecution and sanctioning of foreign bribery*

#### **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 most international organisations and consequently the vast majority of international public servants would fall within the scope of the OECD Convention. Therefore, there is no practical impact of this recommendation.

**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:**

Article 263B (1) of the Greek Criminal Code is absolutely aligned with the Convention. This is because the effective regret measures are at the absolute discretion of the Court and there is no automatic application to the provisions of the article. Moreover, there is to-date no example in the judicial practice of abstaining from the prosecution of a suspected or accused person, who cooperated with the prosecutorial/judicial authorities. When such cooperation exists, the person concerned is eligible for mitigation of the sentence finally decided by the court as per Article 84 par. d of the Criminal Code.

**Specifically:**

1) The application of Article 263 B depends on the prosecutorial and judicial discretion, since it has to be evaluated whether any oral or written submissions by the perpetrator amount to a true and full announcement of the criminal act. This is a prerequisite for any recognition of a possible favourable treatment of the offender. In any case, the final decision rests at all times 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 a very useful tool in revealing corruption offences and revealing the networks of high-ranking political and public officials who are involved. In this perspective, Article 37 par. 1 UNCAC provides a clear and overriding international obligation 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. Following this international obligation, many countries have legal provisions across the world according 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, Spain, the UK (Scotland), Lithuania, the Russian Federation, Georgia, Indonesia, Malaysia, Montenegro, the UAE and Ukraine.

3) The scope of having such a provision is to encourage the disclosure of offences that would otherwise go unnoticed. Moreover, the provision is very important with respect to confiscation and recovery of the proceeds of bribery.

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 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).

[Note: when providing information on implementation of recommendation 4(a), please also see the questions that relate to the enforcement activities, pages 19 and 20 of this template]

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

Greece is making every effort to ensure that the investigating and prosecuting authorities have sufficient human and technical resources to carry out effectively and efficiently their task.

In particular, a major project on “**Integrated Civil and Penal Justice Case Management System**” (ICPJCMS/ΟΣΔΔΥ-ΠΙΠ), 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.

Moreover, it would be useful to recall that 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.

With respect to human resources, it should be noted that the Athens Prosecutorial Office Against Corruption (PPACC) is headed by a Deputy Prosecutor of Appeals. In the office are seconded six prosecutors and 17 experts with deep knowledge in special investigation techniques in banking & financial issues, in order to facilitate the investigations in complex crimes.

Accordingly, in the PPACC of Thessaloniki is headed by a Deputy Prosecutor of Appeals and in the office are seconded two assistant prosecutors.

In view of the above, we consider that recommendation 4a 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 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 law enforcement bodies 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, c) to promote co-ordination, co-operation and information-sharing among authorities involved in detecting, investigating and prosecuting corruption as well as bribery, d) to improve data gathering processes in order to monitor the effectiveness and efficiency of the law enforcement and the criminal justice system.

The particular initiatives were linked to specific actions of the previous National Anti-Corruption Plan, for which Greece received technical support by OECD, which was completed in June 2018.

In specific, the deliverables of GREECE-OECD technical assistance project include written reports and training workshops in order to enhance the awareness of Law enforcement bodies in the investigation of allegations and complaints for corruption offences.

In this perspective and under the outcome 4.3 of the technical assistance project (Building capacity and mobilization in the fight against bribery), one report was written, and the goal achieved among others were :a) the identification of all relevant public bodies responsible for detecting (including procuring authorities), investigating and prosecuting corruption and bribery; b) the Identification of 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) review of the competence of the SDOE, the Hellenic Police and the Economic Police Service to conduct foreign bribery investigations; d) conduction of two capacity-building workshops back-to-back with the participation of relevant international experts.

Moreover, under the outcome 4.3 of the GREECE-OECD technical assistance project (building capacity and mobilization in the fight against bribery among investigators, judges and prosecutors), a report was produced with specific goals: a) the collection and the exchange of 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)

the development of reference material (e.g. manuals, best practices and thematic reports) on the conduct of investigations and prosecutions of corruption cases; c) the organization of 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 and a great result was achieved because of the great participation and the fruitful consultation.

The written deliverables described above, were produced after a series of successive meetings with all the relevant stakeholders. The main objective of these meetings was to inform and raise awareness among all competent authorities on combating domestic and foreign bribery, and to build capacity among investigations, judges and prosecutors in the charge of corruption and bribery cases.

Precisely, after the meeting a detailed questionnaire was sent to all relevant stakeholders, in order to collect baseline benchmarking data and information regarding the legal framework and the practices 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. After this, two training workshops were carried out in Athens and Thessaloniki with large participation by all the law enforcement bodies. The objective of these training workshops was to build capacity and increase mobilization in the fight against bribery within all enforcement authorities responsible for detecting, investigating and prosecuting corruption and bribery.

Furthermore, under the Outcome 3.4 of the GREECE-OECD Technical Assistance Project (Co-ordination, co-operation and information-sharing among authorities involved in detecting, investigating and prosecuting corruption), was produced a written report which aimed to promote co-ordination, co-operation and information-sharing among authorities involved in detecting, investigating and prosecuting corruption as well as bribery. This report describes the law enforcement framework in corruption cases, explains the relevant authorities involved and the existing co-ordination and information exchange among these authorities and then proposes measures and tools for enhancing co-ordination, reporting of allegations, information-sharing, and prioritising cases. The report was based on information drawn from the Greek authorities' responses to questionnaires in January 2017; consultation meetings with these authorities in Thessaloniki and Athens in February 2017; and a workshop on law enforcement co-ordination in Athens on 20 June 2017.

Finally, under the Outcome 3.4 of GREECE-OECD technical assistance project, a written report was produced in order to improve data gathering processes and to monitor the effectiveness and efficiency of the law enforcement and the criminal justice system. After the production of this report, a monitoring procedure is established with regards to important financial crimes, including notably corruption and money laundering cases with the objective to build a credible track-record of prosecuting and sanctioning such crimes, following data protection and penal procedure rules.

It is important to notice that the above initiatives for the mobilization of Law enforcement bodies are now incorporated as sustained actions within the revised NACAP 2018-2021. These actions include among others: a) strengthening of the institutional framework of inspection, investigation and prosecution in national level, regarding combating corruption and financial crimes,, b) institutional Activities and Implementation of the National Anti-Corruption Action Plan, c)

evaluation of the efficiency of the anticorruption Authorities, d) adherence to international standards of anti-corruption (EU, OECD, CoE, UN), e) improvement of the effectiveness of Mutual Legal Assistance (MLA) arrangements, f) enhancing the integrity and efficiency of the judiciary system g) legislative initiative for the establishment of Judicial Police as a separate body of experts that are associated exclusively with anti-corruption investigations and prosecutions, h) legislative initiative based on this assessment for the enhancement of the coordination between the financial and corruption prosecutors, the tax administration, the financial crime investigation Directorate and the other competent investigation services, combating tax, corruption and financial crimes, i) internal draft proposal for the creation of a monitoring procedure of a selection of important financial crimes, including notably corruption and money laundering cases with the objective to build a credible track-record of prosecuting and sanctioning such crimes, following usual data protection and penal procedure rules, will be produced.

Moreover, 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 issued a regulation, regarding its function and a Prosecutor was seconded to GSAC, upon a decision of the Supreme Judicial Council, for a period not longer than 3 years, who secures the legality of the operation of the office and supervises the procedure of registering, processing and forwarding such complaints to the competent bodies.

In view of the above, the 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, which is supervised by a prosecutor.

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 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:**

The fines provided in article 236 of the Criminal Code belong to the highest provided in the system. In the Greek penal system, fines are additional sanctions, imposed in conjunction with incarceration and other procedures of seizing and confiscation. Furthermore, all corruption offences and especially passive and active bribery are included in the crimes against public

service. The protected legal good in this category is the integrity of public function and the public trust to the public services and not property.

From the other hand, it should not be underestimated that under the Article 236 (active bribery) fall not only offences of high corruption but also offences of petty corruption. In this perspective, the provision for abusive fines and penalties is opposite to the principle of proportionality and the general rule of law, two of the basic pillars of the Greek criminal law system.

To be more precise Article 236 of the Criminal Code reads as follows:

*“Article 236 - 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.*

*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 (...).”*

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:**

The issues of the above recommendation have already been addressed.

In the new legal framework, regarding the liability of legal persons, there is no distinction between “obligated” and “non-obligated” legal persons. The sanctions are equivalent for both obligated and non-obligated legal persons. The only difference lies in the competent authority, which is responsible for the imposition of the sanctions. For obligated legal persons, the sanctions are imposed by the competent supervisory authority, while for non-obligated legal persons by the Special Secretariat for Financial and Economic Crime Unit (SDOE).

In particular, the liability of legal persons is provided in the new AML Law -Law 4557/2018, (Government Gazette No 139/30.07.2018), entitled “*prevention and suppression of the legalization of proceeds of crime and terrorist financing (incorporation of directive 2015/849//EU) and other provisions*”. The purpose of the new AML Law was to transpose into Greek law Directive 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141/5.6.2015) and the codification of the relevant provisions of the national legislation.

It is explicitly stated in the explanatory report of L. 4557/2018, that the distinction between obligated and non-obligated legal persons and entities, with regard to the possible highest amount of fines to be imposed has been abolished. For what is worth, the abolition of the restriction was based, according to the explanatory report, on the relevant recommendation included in the Phase 3bis Report on Greece by the OECD Working Group on Bribery of March 2015. Therefore, recommendation 5b is currently not applicable and has been addressed.

Specifically, the new article 45 of L. 4557/2018, regarding the liability of legal persons and entities, reads as follows:

*“Article 45*

*Liability of legal persons and entities*

*(articles 58 and 59 of Directive 2015/849)*

*1. If a punishable action of money laundering or any of the predicate offences is committed for the benefit or on behalf of a legal person or entity by a natural person acting either personally or as member of a body of the legal person or entity and holds a managerial position within said legal person or entity or has the power to represent them or is authorised to take decisions on their behalf or to exercise control within them, the following sanctions shall be reasonably imposed on the legal person or entity, cumulatively or disjunctively:*

*a) administrative fine ranging from 50,000 Euros up to 10,000,000 Euros. The exact amount of the fine is set to be at least twice the amount of the profit generated by the infringement if the profit can be determined or if it can not be determined at one million (1 000 000) euro,*

*b) permanent or temporary revocation or suspension of the operation licence or prohibition of exercising the business activity for a period ranging from one (1) month to two (2) years,*

*c) prohibition of exercising specific business activities or of establishing branches or of increasing the share capital, for the same period,*

*d) Definitive or temporary for the same period exclusion from public benefits, aid, subsidies and advertising of State or legal entities of the public sector.*

*The administrative fine of point (a) shall be always imposed, regardless of whether other sanctions have been imposed. The same sanctions shall also apply in case a natural person in any of the capacities referred to in the first subparagraph is the instigator or accessory in the same acts.*

*2. Where the lack of supervision or control by a natural person referred to in par. 1 allowed an executive of lower hierarchy or an agent of the legal person or entity to commit the act of money laundering or the predicate offence for the benefit or on behalf of the legal person or entity, the following sanctions shall be reasonably imposed on the legal person or entity, cumulatively or disjunctively:*

*a) administrative fine ranging from 10,000 Euros up to 5,000,000 Euros. The exact amount of the fine is set to be at least twice the amount of the profit generated by the infringement if the profit can be determined or if it can not be determined at one million (1 000 000) euro.*

*b) the sanctions referred to in paragraph 1, points (b), (c) and (d), for a period of up to one (1) year.*

*3. In the case of an obliged legal person or entity, the above sanctions shall be imposed by a reasoned decision of the competent supervisory authority. In the case of a non-obliged legal person or entity, the above sanctions shall be imposed by a reasoned decision of the Head of the competent Operational Directorate of SSFECU/SDOE.*

*4. For the cumulative or disjunctive imposition of the sanctions referred to in par. 1, 2 and 3 and for the determination of those sanctions, all relevant circumstances shall be taken into account, in particular:*

*a) the gravity and the duration of the breach,*

*b) the degree of responsibility of the natural or legal person,*

*c) the financial standing of the natural or legal person,*

*d) the amount of the illegal proceeds or the derived benefit,*

*e) the losses to third parties caused by the offence,*

*f) the actions of the legal person or entity after the breach has been committed,*

*e) the repeat offence of the legal person or entity.*

*5. No sanction shall be imposed without the prior summons of the legal representatives of the legal person or entity to provide explanations. The call is communicated to the concerned party at least ten (10) full days before the day of the hearing. For all other matters, article 6(1) and (2) of the Administrative Procedure Code shall apply (Law No. 2690/1999, A 45). The competent authorities exercise their supervisory powers in accordance with the provisions governing their operation, in order to establish whether a breach has been committed and to impose the appropriate sanctions.*

*6. The implementation of the provisions of par. 1 to 5 shall be independent of the civil, disciplinary or criminal liability of the natural persons referred to therein.*

*7. The prosecution authorities shall immediately inform the authority responsible for the imposition of sanctions, where appropriate, of the criminal proceedings for cases involving a legal person or entity, within the meaning of par. 1 and 2 and shall send them a copy of the relevant case file. In case a natural person is convicted for the punishable acts referred to in par. 1 and 2, the court may respectively order the dispatch of a copy of the conviction and of the relevant case file to the authority responsible for the imposition of sanctions.*

*8. The liability of legal persons or entities for the criminal offences of article 187A(6) of the Criminal Code is set out in article 41 of Law No. 3251/2004 (A 93). The special provisions establishing the liability of legal persons for other predicate offences shall remain in force."*

In view of the above, we consider that recommendation 5b 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 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:**

The recommendation is fully implemented.

Before the enactment of Law 4506/2017 (which has already been assessed by the WGB in the plenary held on December of 2017) and the current Law 4557/2018, the range of the available fines in the cases of foreign bribery resulting from company management's failure to exercise supervision or control (Convention Article 3) extended from ten thousand up to one million euros (for obligated persons) and from five thousand to five hundred thousand euros for non-obligated persons. According to the (currently in force) provisions of article 45 of Law 4557/2008, the available fines against legal persons, especially for foreign bribery resulting from company management's failure to exercise supervision or control range from 10,000 Euros up to 5,000,000 Euros, regardless if the legal entity is an obligated or a non-obligated one.. Therefore, recommendation 5c has been addressed after the legislative action taken by the Greek Government. The relevant recommendation, included in the Phase 3bis Report on Greece by the OECD Working Group on Bribery of March 2015 is also mentioned explicitly in the explanatory report of Law 4557/2018 as an important factor for the considerable raise of the available maximum fines.

For the text of Article 45 of Law 4557/2008 see the answer about recommendation 5b.

In view of the above, we consider that recommendation 5c 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 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:**

The vast majority of jurisdictions provide for limitation periods. The main rationale for the concept is to promote legal certainty, fairness and accuracy of criminal proceedings by protecting individuals from having to defend themselves against charges when the basic facts may have become obscured by the passage of time.

In Greece, the limitation period for foreign bribery offences, qualified as misdemeanours, is eight (8) years. Accordingly, the limitation period when the offence is qualified as felony is 20 year. The limitation period is one of the longest between EU countries and the countries under the OECD anti-bribery Convention.

This period is more than sufficient to allow adequate investigation and prosecution, as well as outstanding MLA requests. In Greece, there was never a case where a bribery offence qualified as misdemeanour succumbed to prescription, without prosecution; In this perspective there is no case law in which a corruption offense has fallen under a limitation period.

Furthermore, it should 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 particular, 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.*

(...)

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:**

Greece has a comprehensive and effective asset recovery legislative architecture to provide mutual legal assistance:

(a) **Council of Europe Convention on Laundering, Search, Seizure and Confiscation of Proceeds from Crime and on the Financing of Terrorism (Warsaw Convention of 2005), which was transposed into Greek legislation through Law 4478/2017.** In particular, **Section A of Law 4478/16** regulates the principle of mutual recognition in relation to procedural acts by which the competent judicial authorities seek the confiscation of assets. Articles 3-5 allow for the recognition, registration and enforcement of a confiscation order issued by an overseas court. Article 6 of Law 4478/16 amended article 187A (6) of the Penal Code, and the last paragraph is added as follows: "For the purposes of the application of Articles 88 to 93 of the Criminal Code, the offenses referred to in the preceding paragraph shall also take into account irrevocable convictions handed down by courts of other States Parties to the 2005 Council of Europe Convention on the Legalization, seizure and confiscation of the proceeds of crime and on the financing of terrorism." Also, Article 7 of Law 4478/16 amended article 45 of Law 3691/08 and a second paragraph was added as follows: for the purposes of the application of Articles 88 to 93 of the Criminal Code, the offenses referred to in the preceding paragraph shall also take into account irrevocable convictions handed down by courts of other States Parties to the 2005 Council of Europe Convention on the Legalization, seizure and confiscation of the proceeds of crime and on the financing of terrorism."

(b) **Section B of Law 4478/2017** introduces the principle of mutual recognition in relation to procedural acts by which the competent judicial authorities seek the confiscation of assets pursuant to Framework Decision 2003/577/JHA, to Framework Decision 2005/212/JHA, to Framework Decision 2006/783/JHA, as amended by Framework Decision 2009/299/JHA, and the Directive 2014/42/EU of the European Parliament and the Council. It is noted that it applies only to relations between EU Member States.

Article 11 defines the scope of Section B of the Act on the basis of the offenses to which the freezing or confiscation orders of other Member States are recognized and enforced in Greece. Two types of Criminal Decisions are included in this scope: On the one hand, decisions on acts which, according to Greek law, constitute crimes committed or confiscated, and decisions on a category of thirty-two (32) criminally-reported crimes (eg crimes of bribery, money laundering) punishable by a term of imprisonment of no more than three (3) years for which is not necessary to be considered as criminal offence by the Greek law, since it was considered to be particularly dangerous for the legal system of a Member State, irrespective of their criminality character in other jurisdictions. As regards the latter category, the principle of double criminality traditionally governed by the law of judicial assistance is abandoned.

Article 20 (par. 1 and 2) stipulates that the jurisdiction for the recognition and enforcement of these judgments shall be given to the competent Prosecutor of the Court of Appeal, in accordance with what is currently the case in the ordinary legal assistance procedure. If the authority receiving the order has no jurisdiction for identifying and obtaining the necessary measures to enforce it, it shall transmit the order to the competent Prosecutor's Office and inform the issuing State's judicial authority (par.3). The Ministry of Justice, Transparency and Human Rights is defined as the Central Authority that assists the competent judicial authorities in administrative transmission and receipt of confiscation orders. The Ministry informs the General Secretariat of the Council of the European Union as to the competent judicial authorities (par.4).

(c) **Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime (1990):** The Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime (1990) (Convention of 1990) is applied for countries that

have not ratified the Warsaw Convention 2005. Specifically ar. 13 provides that a Party which has received from another Party a request for confiscation relating to instruments or products located within its territory shall: a. execute a decision to confiscate a court of the requesting Party in respect of such instruments and products; or b. to submit this application to its competent authorities in order to obtain a confiscation order and, if so, to execute it. 2. For the purpose of the application of paragraph 1.b. of this Article, each Party shall, if necessary, have jurisdiction to initiate confiscation procedures in accordance with its domestic law. 3. The provisions of paragraph 1 of this Article shall also apply to confiscation consisting in the obligation to pay a sum of money corresponding to the value of the product if the assets to which the confiscation shall be located in the territory of the requested Party. In such cases, by proceeding to confiscation pursuant to paragraph 1, the requested Party shall, if the payment has not been received, collect the claim from any available asset for that purpose. Additionally ar. 14 regulates the execution of confiscation.

(d) **Greece also has 14 bilateral MLA treaties.** Greece currently has bilateral MLA relations with the following countries: Albania, Armenia, Australia, Canada, China, Cyprus<sup>2</sup>, Egypt, Georgia, Lebanon, Mexico, Russia, Syria, Tunisia, and the United States of America. Additional bilateral treaties are not in use because cooperation with those countries is predicated on the 1990 Convention applying the Schengen Agreement or the European Convention on Mutual Assistance in Criminal Matters of 20 April 1959. Some treaties specifically provide for assistance to trace, locate or identify assets connected to criminal activity. Other treaties provide for general investigative assistance but do not refer to asset tracing or identification measures.

(e) Finally, it should be noted that United Nations Convention Against Corruption provides a strong legal basis for international cooperation for purposes of confiscation (articles 55 & 56). Taking into account that it is a treaty with global geographical coverage, including 186 countries, the recommendation has no practical impact.

In view of the above, we consider that recommendation 7a 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:**

<sup>2</sup> Note by the Secretariat: The information in this document with reference to “Cyprus” relates to the southern part of the Island. There is no single authority representing both Turkish and Greek Cypriot people on the Island. Turkey recognizes the Turkish Republic of Northern Cyprus (TRNC). Until a lasting and equitable solution is found within the context of United Nations, Turkey shall preserve its position concerning the “Cyprus” issue.

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

- (b) 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 LEGAL FRAMEWORK**

First of all, it should be noted that Greece has established a strong legal framework in order to enhance corporate governance, compliance, effective internal controls and ethics in private sector. This includes Corporate Governance Code, Codes of conduct, laws and regulations in accordance with the international standards.

In specific the main laws regulating corporate governance are the following:

- a. Law 4548/2018 (Government Gazette A 104/13.6.2018). It is a new law, which reforms the legal framework for "sociétés anonymes –S.A Companies". The law will enter into force on 1 January 2019. The law includes many provisions related to internal control and ethics, corporate governance, accounting and auditing.
- b. The new AML Law -Law 4557/2018, (Government Gazette No 139/30.07.2018), entitled "Prevention and suppression of the legalization of proceeds of crime and terrorist financing (incorporation of directive 2015/849//EU) and other provisions". The purpose of the new AML Law was to transpose into Greek law Directive 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing,
- c. Law 4403/2016 (Government Gazette A 125/07.07.2016) "Adaptation of Greek legislation to the articles 19, 20, 29, 30, 33, 35, 40 to 46 of Directive 2013/34 / EU on "annual financial statements, the consolidated financial statements financial statements and related reports certain types of undertakings" and the provisions of Directive 2014/95 / EU with regard to disclosure of non-financial financial information and information for the diversity of certain large groups and groups»
- d. Law 4308/2014 "Greek Accounting Standards, related regulations and other provisions" (Government Gazette A 251/24.11.2014) which provide the procedures related to the accounting of transactions and transactions of a company (publication of data, recording in the accounting records and ways of keeping them), measurement of assets and liabilities while changing the draft accounts, but also the way of preparation, especially presentation, of the annual financial statements.
- e. Law 3016/2002 "On Corporate Governance, Wage Issues and Other Provisions," (Government Gazette A 110/17.05.2002), as amended by Article 26 of Law 3091/2002 (Government Gazette, A 330/24.12.2002). The law regulates special issues of

administration and operation of public limited liability companies, which have listed shares or other securities in an organized stock market operating in Greece.

- f. Law 3556/2007 (Government Gazette A 91/30.04.2007) regarding the “Transparency Requirements for Information on issuers whose securities are held admitted to trading on an exchange organized market”.
- g. The Corporate Governance Code for all listed companies in Greece. ([http://www.sev.org.gr/Uploads/pdf/kodikas\\_etairikis\\_diakivernisis\\_GR\\_OCT2013.pdf](http://www.sev.org.gr/Uploads/pdf/kodikas_etairikis_diakivernisis_GR_OCT2013.pdf)). The Code is addressed to Greek public limited liability companies (as defined by the Law 2190/1920) based in Greece, especially the listed ones, which have to publish information on a yearly basis for their corporate governance according to Law 3873/2010.
- h. The Corporate Governance Code for non-listed companies,

The two codes of conduct were elaborated by the Greek Corporate Governance Council (ESED), in order to disseminate the principles of corporate governance and to increase of the Greek market's trustworthiness among international and domestic investors.

By selectively referring to certain points of the above legislation, it should be noted that according to article 8 of Law 3016/2002, the Internal Audit Service has the following responsibilities: (a) It monitors the implementation and continuous observance of the company's internal rules of operation and statutes, as well as the general legislation regarding the company, especially the legislation of sociétés anonymes, S.A companies and brokerage firms, (b) It reports to the board of directors of the company cases of conflicts of interests of members of the board of directors or directors of the company with the interests of the company, which it finds in the performance of its duties, (c) The internal auditors must inform the Administrative Board in writing at least once a quarter Council for their control and to attend the general shareholders' meetings, (d) Internal Auditors provide, upon approval by the Company's Board of Directors, any information requested in writing by supervisors, cooperate with them, and make every effort to monitor, monitor and supervise them.

Furthermore, according to Article 4 of the EC Decision 5/204/14-11-2000, the responsibilities of the Internal Audit Service include in addition: a. The verification of compliance with the obligations set out in that Decision, b. Verify compliance with the commitments contained in its prospectuses and business plans concerning the use of funds raised by the stock exchange, c. Controlling the legality of remuneration and any kind of benefits to members of the administration in respect of by the decisions of the competent bodies of the company, d. The control of the relationships and transactions of the company with its affiliated companies.

## **CODES OF CONDUCT**

Greece has an established strong system of corporate governance. Private Sector has effective management and control systems that secure corporate compliance. This includes Corporate Governance Code, Codes of Conduct, laws and regulations in accordance with the international standards.

Effective Corporate Governance is achieved with Corporate Governance Code for all listed companies in Greece.

([http://www.sev.org.gr/Uploads/pdf/kodikas\\_etairikis\\_diakivernisis GR OCT2013.pdf](http://www.sev.org.gr/Uploads/pdf/kodikas_etairikis_diakivernisis_GR_OCT2013.pdf)).

The Code is addressed to Greek S.A companies (as defined by the Law 2190/1920) based in Greece, especially the listed ones, which have to publish information on a yearly basis for their corporate governance according to Law 3873/2010, but it also appears to be a useful tool for non-listed companies. The provisions of the Code aim at the gradual adoption of the best corporate governance practices, in accordance with the Corporate Governance Authorities of OECD, (and the HCHC's 'Blue Paper'), as well as relevant European directives and recommendations and other international best practices. This Corporate Governance Code encourages companies to have strong financial controls and internal audit, to operate with transparency and integrity and promotes healthy competition between them.

Many S.A. companies have adapted the above Corporate Governance Code, thus the majority of the largest companies and groups of companies in Greece have established their own Codes of Conduct, based on internationally recognized standards, such as the UN Global Compact and ISO 26000. Indicatively, these are some examples of Codes of Conduct for large companies:

<http://www.titan.gr/el/titangroup/code-of-conduct/>,

[http://www.boltongroupwecare.it/sites/bolton2016csr/files/documents/coe\\_gre\\_hr.pdf](http://www.boltongroupwecare.it/sites/bolton2016csr/files/documents/coe_gre_hr.pdf),

<https://www.generali.gr/el/kodikas-deontologias/>

[http://corporate.e-](http://corporate.e-jumbo.gr/Uploads/Documents/%CE%9A%CE%A9%CE%94%CE%95%CE%A3.130201.pdf)

[jumbo.gr/Uploads/Documents/%CE%9A%CE%A9%CE%94%CE%95%CE%A3.130201.pdf](http://corporate.e-jumbo.gr/Uploads/Documents/%CE%9A%CE%A9%CE%94%CE%95%CE%A3.130201.pdf)

<https://www.cosmote.gr/fixed/corporate/company/who-we-are/regulatory-compliance/code-of-conduct>

[http://www.mytilineos.gr/Uploads/presentations/MYTILINEOS\\_CODE\\_OF\\_ETHICS\\_FP\\_F\\_GR.pdf](http://www.mytilineos.gr/Uploads/presentations/MYTILINEOS_CODE_OF_ETHICS_FP_F_GR.pdf)

These Codes of Ethics are applied in conjunction with the currently applicable regulatory framework (e.g. Law 4548/2018 for Limited Liability Companies, Law 4364/2016 for Insurance Companies etc.) and are addressed to: a) The Members of their Board of Directors, b) Their Managers, Senior Executives and Staff, c) Third Parties transacting with them, d) Their Advisors

The establishment of these Codes of Conduct promotes integrity, honesty, transparency, and good professionalism behaviour at all levels of the Company's hierarchy. The Code is the framework - a guide to the behaviour of all employees, confirms company's commitment to comply with both the Laws and Regulations and with the requirements regarding ethical conduct in combination with the Core Principles of Corporate Behaviour, including honesty and integrity, objectivity and independence, discretion and confidentiality, disciplined and reasonable risk taking, transparency, prevention of conflicts of interest, promotion of the use of good commercial practices among businesses and in the contractual relations of businesses with the State.

## **ACCOUNTING STANDARDS**

The applicable law is Law **4308/2014** (Greek Accounting Standards and relevant arrangements), which is the transposition of the Accounting Provisions of the Directive 34/2013/EU of the European Parliament and of the Council.

This law simplified the Code of Tax Transaction Representation of L.4093/2012 and unified, completed and modernized accounting rules in Greece, in order to create an integrated functional and operational accounting framework for the businesses and other entities. The application of

the new legal framework fought the former law complexity and served the need for transparency, credibility, comparability of financial information. Also, Law 4308/2014 pays particular attention to the principle 'Small Business Priority' of the European Union in order to reduce administrative costs. All the above contributed to a smooth operation of the market.

Law 4308/2014 has a very wide scope, as it addressed to profit or non-profit, legal or natural persons of private or public sector (Chapter 1).

Indicatively, among others, Law 4308/2014:

- Regulates with completeness the issue of keeping accounting records, in a way that ensures a reliable and verifiable sequence of records (control chain), so that it is easy to relate transactions with the accounting records and the financial statements (Article 3).
- Provides, in line with the best international practices, a comprehensive set of rules to ensure the reliability of the accounting system of entities, whether it is electronic or handwritten (Article 5).
- It incorporates Directive 2006/112/EU regarding VAT on sales invoices (Chapter 3), and contains specific provision, which state that the parties involved in a transaction (seller and buyer) have the obligation to ensure the originality, the integrity and the readability of the invoice, whether electronic or handwritten, from the time of its issue, until the end of its reserving period (Article 15).
- Presents the basic principles for the preparation of financial statements (Chapter 4).
- Provides for SMEs, on the basis of the provisions of Directive 34/2013/EU and the principle of "Small Business Priority", a series of simplifications and exemptions, without affecting the credibility of the financial statements. (Article 30)
- Regulates the conditions and the rules for the compilation of consolidated financial statements.

Law 4174/2013-Code of Tax Procedures, contains, among others, provisions on compliance of books and data, on disclosure of information and privacy (Ar.13-17), provisions for submitting tax statement (Chapter 5), provisions on Tax Audit methods of indirect Audit (Chapter 7) etc.

Law 4403/2016 incorporated into Greek Legislation the provisions of Articles 19, 20, 29, 30, 33, 35, 40 to 46 of Directive 2013/34/EU regarding the annual financial statements, consolidated financial statements and related reports of certain types of undertakings and the provisions of Directive 2014/95/EU of the European Parliament and of the Council "Amendment of Directive 2013/34/ EU as regards disclosure of non-financial profits by certain large undertakings and groups". With Law 4403/2016, the coordination of the national provisions of the Member States was accomplished, with regard to the rules governing the format and the content of the annual financial statements and management reports, as well as publicity of these documents, which are of particular importance for the protection of shareholders, partners and third parties. The Directives address to the limited liability company by shares, the limited liability company, the private capital company and personal companies as long as the unlimited liability partner is a capital company.

Law 4443/2016 incorporated into the Greek Legislation Directive 2014/57/EU of the European Parliament and of the Council concerning criminal sanctions for the market abuse and Articles 22, 23, 30, 31 paragraphs 1, 32 and 34 of Regulation No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation). Indicatively, Law 4443/2016 provides for criminal sanctions for persons, who hold privileged information (Article 28), sanctions for unlawful disclosure of inside information (Article 30), sanctions for the manipulation of the market (Article 31) and administrative penalties imposed by the Hellenic Capital Market Commission for insider dealing and unlawful disclosure of inside information, market manipulation, public disclosure of inside information, disclosure or dissemination of information in the media etc. (Article 37).

### **AWARENESS ACTIVITIES**

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.

The particular initiatives were linked to specific actions of the previous National Anti-Corruption Plan (45, 46, 32), for which Greece received technical support by OECD, which was completed in June 2018.

The OECD Technical Assistance Project included 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:

- Outcome 4.5: promote a better understanding of the risk of corruption and bribery;
- Outcome 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;
- Outcome 9.1: enhance public and private sector partnership in combatting corruption.

In this context and after a series of preliminary meetings with private sector's representatives, 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 whistle-blowers; 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 whistle-blower 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 whistle-blowers.

After this, a series of follow-up consultation meetings took place in Athens and Thessaloniki with all the relevant stakeholders. The scope of these meetings was to go deeper into the technical issues identified in the questionnaires with a view to drafting anti-corruption compliance

measures, best practices and guidelines. In the 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 and under output 9.1 of GREECE-OECD Technical assistance project, the OECD team (Anti-corruption division) submitted to GSAC two written reports:

- a) *“Best-Practices Paper and Guidelines: Promoting Compliance, Effective Internal Controls and Ethics in Greek Companies to Tackle Corruption”*, which identified thirteen essential elements to design or improve an anti-corruption programme such as Undertaking corruption risk assessments, defining corruption and particular areas of risk etc. The purpose of this best-practices paper and guidelines was to help Greek companies achieve the goal of implementing effective anticorruption compliance measures.
- b) *“Corruption risk review and risk assessment guidelines for companies in Greece”*. This document is divided into three sections. The first section overviews the corruption risks facing Greek companies. The purpose of this part is to identify risk areas to which companies should be alert when conducting their risk analyses. The second section provides practical and concise guidelines to Greek companies for conducting corruption risk assessments. The final section provides recommendations on how the use of corruption risk assessments can be further strengthened in Greece.

Furthermore, on 27-31 March 2017, under output 9.1 of the OECD Technical Assistance Project, two workshop on *“Promoting Compliance, Effective Internal Controls and Ethics in Greek Companies to Tackle Corruption”* took place in Athens and Thessaloniki. The workshops 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 workshops 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 two workshops 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 addition, on 26-30 June 2017, under outputs 4.5, 4.6 of the OECD Technical Assistance Project, two workshops on “*Corruption risk review and risk assessment guidelines for companies in Greece*” took place in Athens and Thessaloniki. The purpose of the workshop was to raise awareness about risks of corruption in the private sector, and to promote the risk assessment in Greek industry and Greek businesses. This workshop brought together international experts from the OECD and its Member States, as well as the Greek Government and experienced private sector professionals with great experience in corruption risk assessment matters.

Each day of the workshop was tailored to the needs of the various stakeholders of the private sector, such as:

- Stakeholders wishing to learn about the risks of corruption in Greek industry.
- Businesses of all sizes wanting to build or optimize the existing one corruption risk assessment.
- Business organizations and professional associations wishing to guide businesses how to carry out risk assessments of corruption or how to start sectoral risk assessments of corruption.

In the workshops participated many representatives from big companies such as banks, insurance companies, telecommunications companies, companies of infrastructure, engineer companies, shipping companies, companies from the market of food and spirits and many SMEs. The fruitful conversation was focused on analysing the importance of conducting risk review and risk assessment and how to conduct it in order to responds to the needs of each company depending on the risks that is exposed to.

On 28-29 November 2017 under output 9.2 of the GREECE- OECD Technical Assistance Project, a High-Level Forum entitled “*BUSINESS AND CIVIL SOCIETY IN THE FIGHT AGAINST CORRUPTION*” took place in Athens. The purpose of this High Level Forum was to promote and raise awareness on corruption prevention and private sector integrity and explore the role of civil society in the fight against corruption. During the Forum, Greek government presented its efforts in preventing and fighting corruption in the private sector and business, while civil society presented their role in the fight against corruption and in creating a level playing field for business in Greece.

Reducing Corruption risks in the private sector is a sustainable priority for GSAC. Increasing transparency in the private sector, to ensure a safe environment for building sustainable and inclusive growth is a general strategy objective of the NACAP 2018-2021, with specific actions such us: a) the development of an Anti- Corruption Public Private Partnerships (ACPPP), b) strengthening of the institutional framework concerning the liability of legal persons on acts of corruption, c) rationalization and simplification of procedures for public and private investment programs, d) Mapping and analysis of the constraints related to corruption and illegal practices that undermine growth, competition, investments, productivity and trust.

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 13e:**

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

- (c) 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:**

Reforming the legal framework to protect from discriminatory or disciplinary action private sector employees who report in good faith and on reasonable grounds to the competent authorities suspected corruption offences is one of the main priorities of General Secretariat Against Corruption.

In particular, under Outcomes 5.2 – 5.3 of the GREECE-OECD Technical Assistance Project a written report was produced with specific technical proposals in order to develop a strong legal framework for protecting whistle-blowers in the private sector. The report conducts a comprehensive review and a gap analysis of the existing Greek legal framework relevant to the protection of whistle-blowers in the private sector. It then provides legislative proposals taking into account international standards on whistle-blower protection as well as insights from approaches in other Parties to the OECD Anti-Bribery Convention, with a focus on countries that have enacted standalone, comprehensive whistle-blower protection legislation. Finally, the report includes a proposal on establishing a mechanism for the enforcement and monitoring of the future whistle-blower protection legislation.

After this, a workshop took place on 23-27 October 2017 with the participation of national and international experts. The workshop emphasized on informing and mobilising representatives from Greek companies, including those active in international business transactions.

Finally it should be noted that General Secretariat Against Corruption elaborate on a new legal framework for whistle-blowers protection in both the public and private sectors, in order to set up a new regime aligned with the on-going discussion in EU. This discussion takes place on the occasion of the initiatives EU regarding the Draft EU Directive on the protection of persons reporting on breaches of Union law and the effort of establishing a comprehensive legal framework for whistle-blower protection for safeguarding the public interest at European level. This include the setting up easily accessible reporting channels, underlining the obligation to maintain confidentiality and the prohibition of retaliation against whistle-blowers and establishing targeted measures of protection.

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:**