

Government Relations

Contributing editor
Charles L Landgraf



2018

GETTING THE
DEAL THROUGH

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Charles L Landgraf
Arnold & Porter Kaye Scholer LLP

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For further information please contact editorial@gettingthedealthrough.com

Publisher
Tom Barnes
tom.barnes@lbresearch.com

Subscriptions
James Spearing
subscriptions@gettingthedealthrough.com

Senior business development managers
Adam Sargent
adam.sargent@gettingthedealthrough.com

Dan White
dan.white@gettingthedealthrough.com



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Preface

Government Relations 2018

First edition

Getting the Deal Through is delighted to publish the first edition of *Government Relations*, which is available in print, as an e-book and online at www.gettingthedealthrough.com.

Getting the Deal Through provides international expert analysis in key areas of law, practice and regulation for corporate counsel, cross-border legal practitioners, and company directors and officers.

Throughout this edition, and following the unique **Getting the Deal Through** format, the same key questions are answered by leading practitioners in each of the jurisdictions featured.

Getting the Deal Through titles are published annually in print. Please ensure you are referring to the latest edition or to the online version at www.gettingthedealthrough.com.

Every effort has been made to cover all matters of concern to readers. However, specific legal advice should always be sought from experienced local advisers.

Getting the Deal Through gratefully acknowledges the efforts of all the contributors to this volume, who were chosen for their recognised expertise. We also extend special thanks to Charles L Landgraf of Arnold & Porter Kaye Scholer LLP, the contributing editor, for his assistance in devising and editing this volume.

GETTING THE 
DEAL THROUGH 

London
February 2018

Greece

Maria Tranoudi

Bahas, Gramatidis & Partners

Form of government

1 Constitution

What is the basic source of law? Describe the scope of, and limitations on, government power relevant to the regulation of lobbying and government relations.

The basic source of law is the Constitution and the generally recognised rules of international law, as well as international conventions as of the time they are ratified by statute. Lobbying is not regulated in Greece and, as such, no specific limitations or legislation exists for the activities of lobbyists.

2 Legislative system

Describe the legislative system as it relates to lobbying.

Greece is a presidential parliamentary democracy. The head of state is the President, who is elected and has no effective powers. The latter are held by the government, which is elected by the people and is the central organ of the executive branch. Every four years the citizens elect their representative body, Parliament, which has the decisive authority to produce the rule of law and control the government. Despite the functional separation of powers, the competence of establishing rules of law is often transferred to parts of the executive branch in order to ensure the smooth and impartial action of each power. **It is the production of rules of law, which are substantive laws, i.e. general and abstract regulations, which are called regulatory administrative acts and whose content is moving within the framework of the relevant authorization of the formal law. [Substantive laws (ie, general regulations) are called regulatory administrative acts and facilitate the authorisation of formal laws.]**

3 National subdivisions

Describe the extent to which legislative or rule-making authority relevant to lobbying practice also exists at regional, provincial or municipal level.

Power is divided among decentralised administrations, peripheries and municipalities. These are considered self-governing bodies and have recognised rights and obligations, as well as administrative and financial autonomy and the right to exercise public authority over certain **objects [issues]** under the administrative supervision of the state. As independent bodies with legal personality they have the jurisdiction to issue local regulatory decisions through their councils within the framework of the existing legislation. These decisions can relate to the natural, architectural or cultural environment, **traffic [congestion]**, etc. In order to develop direct democracy at a local level, **the institution of Citizen Consultation was [Citizen Information Centres were]** created alongside the Charter on Citizens' Rights and the Citizen's Guide. However, these bodies do not have the power to adopt independent rules of law except in the context of legislative authorisation to regulate matters of a **detailed [complex?]** nature.

4 Consultation process

Does the legislative process at national or subnational level include a formal consultation process? What opportunities or access points are typically available to influence legislation?

In recent years, the processes of citizen participation at national and subnational level have been strengthened in Greece with the introduction of public consultations on draft laws prior to their submission to Parliament for voting. At this early stage, the ministry or the interested public sector body sends the text of the **consultation [draft law?]** to the Documentation and Innovation Unit of the National Centre for Public Administration and **Self- [Local] Government (NCPASG)**, together with **a call [an invitation]** by the relevant minister or the person in charge of the relevant body to involve citizens in the public consultation. In addition, the start and end date of the process is included, as well as the names of the staff responsible for the coordination of the communication and the comments section and any accompanying documents. These documents may be the explanatory report, other relevant legislation, **possible positions of the social partners [what do you mean by this?]**, etc. The NCPASG, in cooperation with partners of the respective ministry, prepares the website and the material of the consultation and ensures that the content is fully approved by the Prime Minister's office. Once approved, the consultation is published and open to citizens and organisations to submit comments, and post their suggestions and criticisms for each article. The relevant staff of each ministry reads and approves the incoming comments (moderation). In order for the consultation to be successful, it is important that the relevant staff of each ministry, in cooperation with the NCPASG's Innovation Unit, actively participate in the process by responding to any comments and by publishing views and material with the aim of receiving constructive feedback. When the time limit for the consultation is up, the ministry processes the citizens' comments by drafting a report on the public consultation according to article 85, paragraph 3 of Parliament's Rules of Procedure. **When the adopted law and the report on the results of the consultation are published, the consultation is considered complete. [Would the law not be published after the consultation is considered complete?]**

Another opportunity to influence legislation is when the President calls for a decisive or legislative referendum concerning crucial national and social issues.

5 Judiciary

Is the judiciary deemed independent and coequal? Are judges elected or appointed? If judges are elected, are campaigns financed through public appropriation or candidate fundraising?

In Greece there is a distinction of powers: executive, legislative and judicial, and they are considered equal to one another. Judicial authority consists of judges that are appointed by Presidential Decree, according to the relevant law defining the qualifications and the procedure for their selection, and have life tenure. The nominees must compete to qualify as a candidate to enter the Judicial School, after which they become regular judges. Throughout their term of office, they enjoy functional and personal independence in order to exercise their **office [power]** without obstacles by applying the rules of law.

Regulation of lobbying**6 General**

Is lobbying self-regulated by the industry, or is it regulated by the government, legislature or an independent regulator? What are the regulator's powers?

Lobbying in Greece is not regulated. However, there are business associations, various groups of [with] private or business interest[s], public affairs divisions of advertising companies, public affairs companies and private individuals who effectively practise lobbying by representing their clients before public authorities at all levels of the administration, and promoting their clients' legitimate interests. This kind of activity is not regulated.

7 Definition

Is there a definition or other guidance as to what constitutes lobbying?

No.

8 Registration and other disclosure

Is there voluntary or mandatory registration of lobbyists? How else is lobbying disclosed?

No.

9 Activities subject to disclosure or registration

What communications must be disclosed or registered?

Not applicable.

10 Entities and persons subject to lobbying rules

Which entities and persons are caught by the disclosure rules?

Not applicable.

11 Lobbyist details

What information must be registered or otherwise disclosed regarding lobbyists and the entities and persons they act for? Who has responsibility for registering the information?

Not applicable.

12 Content of reports

When must reports on lobbying activities be submitted, and what must they include?

Not applicable.

13 Financing of the registration regime

How is the registration system funded?

Not applicable.

14 Public access to lobbying registers and reports

Is access to registry information and to reports available to the public?

Not applicable.

15 Code of conduct

Is there a code of conduct that applies to lobbyists and their practice?

No.

16 Media

Are there restrictions in broadcast and press regulation that limit commercial interests' ability to use the media to influence public policy outcomes?

No.

Political finance**17 General**

How are political parties and politicians funded in your jurisdiction?

The funding of political parties and politicians is governed by Law No. 4304/2014. The possible ways of financing a political party or a politician provided by law are state funding, financing by individuals through bank account deposits, bank loans, donations and party membership dues. This Law introduced the right of **funding the country's political landscape by private law entities [private entities to fund the country's political landscape]**, while a more recent statute abolishes funding through the purchase of coupons to support the political party.

18 Registration of interests

Must parties and politicians register or otherwise declare their interests? What interests, other than travel, hospitality and gifts, must be declared?

The Members' Code of Conduct obliges Members of Parliament to inform the President of the Parliament when taking up their duties or at any time during their term of office, about any change of their property status. The possible change should concern their own economic activity or the economic activity of their spouses and their relatives up to the first degree, and this change should be appropriate to cause a conflict of interest in the performance of their duties. An additional obligation to provide information and special justification exists in cases of accepting gifts and benefits of any kind worth more than €200.

19 Contributions to political parties and officials

Are political contributions or other disbursements to parties and political officials limited or regulated? How?

Law No. 4304/2014 regulates the contributions to political parties and political officials in general. All proceeds are traded through one to three bank accounts for political parties and through one account for political officials. These accounts are held in credit institutions in Greece, **while all kinds of funding should indicate the person of the donor in order for transparency to be achieved [and all funds received must indicate the source in order to achieve transparency]**. When it comes to parties' funding by individuals, it is stipulated that the donated sum must not exceed €20,000 from the same person per year, and this amount should not exceed €5,000 per year when it comes to funding candidates. Political financing is further restricted by the law, which indicates categories of persons who are prohibited from financing the country's political factors. These categories are:

- natural persons who do not have Greek citizenship and legal entities that do not have their headquarters in Greece;
- legal entities governed by public law and legal entities that belong to the narrow or wider public sector;
- local authorities of every level; and
- natural persons who are owners or publishers of daily or periodical **forms of national or local circulation [newspapers?]** or who are owners of radio or television stations.

20 Sources of funding for political campaigns

Describe how political campaigns for legislative positions and executive offices are financed.

The funding of political parties and politicians includes both funding to meet the party's operational needs and support for the campaigns. As mentioned in question 19, the funding comes from the state, private individuals, **private-law [private]** entities, bank loans, etc. Any type of financing, whether through a bank account or by buying a party coupon, must indicate the name of the financier. The Audit Committee was established to check the financial statements of the parties and the candidates. This is a special body in accordance with article 29(2) of the Constitution. The Committee is also responsible for checking compliance with the obligations laid down in Law No. 4304/2014.

21 Lobbyist participation in fundraising and electioneering

Describe whether registration as a lobbyist triggers any special restrictions or disclosure requirements with respect to candidate fundraising.

Not applicable.

22 Independent expenditure and coordination

How is parallel political campaigning independent of a candidate or party regulated?

Parallel political campaigning independent of a candidate or party is not regulated. Individuals or groups not directly related to or controlled by the candidate or political party may operate a parallel media advertising or grass-roots campaign to support or oppose a candidate. There are no limitations on the coordination of such activity with [by] the candidate's own political staff or party. The coordination of messaging via unpaid social media is not subject to different or less regulation.

Ethics and anti-corruption**23 Gifts, travel and hospitality**

Describe any prohibitions, limitations or disclosure requirements on gifts, travel or hospitality that legislative or executive officials may accept from the public.

According to the Code of Ethics for Members of Parliament, the acceptance of any gifts and any benefits whose nature or monetary value raise issues of discriminatory [compromises the] exercise of their parliamentary duties is prohibited. A value of more than €200 is presumed to be capable of raising [is considered to raise] issues of impartiality. Gifts worth up to €200 that are official visit and hosting memorabilia [that are given as part of official visiting or hosting duties] during a parliamentary activity, they are [are] registered in a special list kept in [maintained by] the secretariat of the Standing Committee on Parliamentary Ethics. In addition, any other gifts and benefits that have a monetary value of more than €200 are registered, with a specific reasoning by the Member of Parliament for their acceptance [must also be registered, providing that the Member of Parliament can justify his or her acceptance of them].

24 Anti-bribery laws

What anti-bribery laws apply in your jurisdiction that restrict payments or otherwise control the activities of lobbyists or holders of government contracts?

Protection against bribery and corruption in Greece is mainly regulated by the Penal Code in articles 234-237, 237A, 237B and 239. Moreover, Greece has ratified the international anti-corruption conventions in which it participates (the OECD Convention against corruption involving officials of the European Communities or officials of Member States of the European Union and the Convention on the protection of the European Communities' financial interests. The

Criminal Law Convention on Corruption and Additional Protocol and the UN Convention on Combating Corruption) [the OECD Anti-Bribery Convention, the Convention on the protection of the European Communities' financial interests, the Criminal Law Convention on Corruption and Additional Protocol, and the UN Convention on Combating Corruption]. Law No. 4412/2016 provides the terms and conditions for participation in a public tender and excludes the candidates that have bribed [that have been found guilty of bribery?] from the procurement process. Specific anti-bribery laws to restrict payments or otherwise control the activities of lobbyists do not exist, and these activities would fall within the general legislative framework on anti-bribery.

25 Revolving door

Are there any controls on public officials entering the private sector after service or becoming lobbyists, or on private-sector professionals being seconded to public bodies?

No.

26 Prohibitions on lobbying

Is it possible to be barred from lobbying or engaging lobbying services? How?

No.

Recent cases and sanctions**27 Recent cases**

Analyse any recent high-profile judicial or administrative decisions dealing with the intersection of government relations, lobbying registration and political finance.

There have been no such decisions.

28 Remedies and sanctions

In cases of non-compliance or failure to register or report, what remedies or sanctions have been imposed?

Not applicable.

Bahas, Gramatidis & Partners

Maria Tranoudi

m.tranoudi@bahagram.com

26 Filellinon Street
Athens 10558
Greece

Tel: +30 210 331 8170
Fax: +30 210 331 8171
www.bahagram.com

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