



HELLENIC REPUBLIC

NACAP

Implementation Report

January- June 2020



NATIONAL TRANSPARENCY AUTHORITY

**Report on the Implementation of the
National Anti- Corruption Action Plan
(NACAP) 2018-2021¹
January – June 2020**

Executive summary

The National Anti-Corruption Action Plan (NACAP) is the first single framework for planning and monitoring the efforts for preventing and combating corruption.

Since August 2019, the National Transparency Authority (hereinafter also the NTA or the Authority) is the competent authority for the planning and monitoring of NACAP's implementation. The NTA was established by the provisions of Law 4622/2019 (GG 133/A/7-8-2019) as the single Independent Authority with the horizontal competence to enhance transparency and strengthen the fight against corruption. The NTA succeeded the former General Secretariat Against Corruption (hereinafter GSAC), which was abolished by the provisions of the same law.

During the first semester of 2020 and following a systematic review of its implementation, the National Transparency Authority updated NACAP 2018-2021. The proposal for update, which included minor modifications mainly

related to the institutional reforms adopted with Law 4622/2019, was approved by the European Commission. The points that were updated regard:

- ✓ the rephrasing / specialization of the content of 2 actions (Actions: 9.1.1. 13.4.2),
- ✓ the merger of 2 actions due to the overlap of their content (Actions 13.3.8, 13.4.4),
- ✓ the merger of 6 no longer applicable actions into 1, due to the abolition of the authorities competent for their implementation (Actions 13.2.7, 13.2.10, 13.3.3, 13.3.4, 13.9.2, 13.10.1),
- ✓ the replacement of 5 pending actions linked to competences of former GSAC by actions related to NTA's respective competences (Actions 13.2.6, 13.2.11, 13.3.1, 13.10.2, 14.2.3),
- ✓ the permanent deletion of 4 actions, which were not anymore applicable, following the establishment of NTA (Actions: 13.2.5, 13.7.1, 13.9.1, 13.9.3),
- ✓ The addition of the new Part 5 "Organizational Change and Operational Reforms of the NTA" which includes actions promoted by the NTA within the framework of its mission as an Authority with the exclusive competence to prevent and combat corruption.

During the first semester of 2020 21 actions were completed. More specifically:

¹

<http://www.gsac.gov.gr/index.php/el/ethniko-sxedio/ethniko-stratigiko-sxedio-kata-tis-diafthoras-2018-2021/ethniko-stratigiko-sxedio-kata-tis-diafthoras-2018-2024>

- ✓ 3 are linked to specific objectives for the sectoral prevention of corruption (Part I)
- ✓ 2 are linked to specific objectives for promoting Integrity (Part II)
- ✓ 10 are linked to specific objectives connected to the Strengthening of Cooperation and Coordination (Part III)
- ✓ 1 is linked to the specific Objectives of Raising Awareness and Educating the public (Part IV)
- ✓ 5 are linked to the specific objectives connected with NTA's Organizational Change / Operational Reforms (Part V).

Thus, out of NACAP's 147 actions:

- ✓ 68 have been completed,
- ✓ 74 (mainly connected to funding requests and Technical Assistance projects) are ongoing and
- ✓ 5 actions have not yet started.

Out of the total of the 68 completed actions:

- ✓ 25 are linked to specific objectives for sectoral corruption prevention (Part I).
- ✓ 7 are linked to specific objectives for promoting Integrity (Part II).
- ✓ 28 are linked to specific objectives connected to the Strengthening of Cooperation and Coordination (Part III).
- ✓ 3 are linked to the specific Objectives of Raising Awareness and Educating the public (Part IV).

- ✓ 5 are linked to the specific objectives connected to NTA's Organizational Change/ Operational Reforms (Part V).

The current report summarizes the progress of the National Anti-Corruption Action Plan's implementation during the first semester of 2020.

The report is divided in 5 parts relevant to the respective NACAP parts:

- ✓ Sectoral prevention of corruption
- ✓ Integrity across the Public Administration and the Judiciary System
- ✓ Strengthening of the Cooperation and Coordination across the public sector
- ✓ Education and Raising Awareness
- ✓ Organizational Change and Operational Reforms of the National Transparency Authority.

PART I	Sectoral prevention of corruption
---------------	--

The funding request to the EEA Grants Financial Mechanism for supporting the effort of strengthening the asset recovery and asset management mechanisms is processing satisfactorily, with the signing of the program agreement for the beginning under way (Actions 1.3.2, 1.3.3, 1.3.5).

Regarding the SRSP2 program of the EU DG Reform, in cooperation with the United Nations Office on Drugs and Crime (UNODC) and competent authorities, the

NTA is implementing the actions for promoting specific measures to enhance transparency and integrity in the fields of Sports, Environment and Public and Private Investments (Actions 6.1.1-6.2.2, 7.1.1-7.2.2, and 8.4.1-8.4.2).

The effort for the standardization of the procedure for monitoring asset declarations (ΠΟΘΕΝ ΕΣΧΕΣ) through the introduction of a single regulation of procedures for all the competent bodies has been completed. A draft of a single Regulation for monitoring asset declarations procedures was delivered to the heads of the competent audit bodies by the Special Working Group set up in December 2019 for this purpose. The Directorate-General for Integrity and Accountability of NTA undertook the coordination, supervision and organizational support of the Working Group. Representatives of the General Secretariat for Information Systems, which is the competent authority for the proper functioning of the Asset Declaration Integrated Information System (ΠΟΘΕΝ) also participated as observers in the meetings held by the Working Group (Action 9.1.1).

PART II	Integrity across Public Administration and the Judiciary System
----------------	--

The design of the National Integrity System, as an integrated framework for strengthening the security valves as well as Integrity in Public Administration has already begun. The development of the

System will be carried out by NTA and the General Secretariat for Human Resources of the Ministry of Interior on the basis of a Memorandum of Understanding, signed in May, regarding the cooperation for the implementation of actions to prevent and combat corruption and the creation of tools and mechanisms for accountability, transparency and integrity in the public area, including mechanisms for strengthening the Internal Audit System. At the same time, the EEA funding program which is expected to support the efforts for introducing and implementing the National Integrity System is progressing satisfactorily. The program agreement for its implementation is expected to be signed in the immediate future (Actions 11.1.1-11.1.7, 11.2.2 and Actions 9.4.1-9.4.3, 9.5.1-9.5.4).

Finally, the Directorate-General (DG) for Financial Control published in April the audit report mentioned in article 22 par.1 of Law 3492/2006, for the 01.07.2018-30.06.2019 period. The aforementioned DG's audit activity includes the bodies of article 3 of Law 3492/2006 as far as the management of their budget and the adequacy of their management and control systems are concerned (Action 11.3.3). It should be pointed out that further provisions for the improvement of the Internal Audit are to be included in the Law on the National Integrity System, which will determine the procedures for monitoring the operation of Internal Audit Units by the NTA, in accordance with the relevant competence provided for, by par. 2, article 83 of Law 4622/2019.

PART III**Strengthening of
Cooperation and
Coordination across the
public sector**

The majority of actions under Special Objective 13.2 “strengthening the national institutional framework for inspection, investigation and prosecution in the fight against corruption and financial crimes” has been completed. Important changes were introduced with the revision of the Penal Code and the Code of Criminal Procedure. Article 187 in particular, regarding criminal organizations, was amended with the abolishment of exclusive reference of offences (the corruption offences were not included) considered as a precondition of setting up a criminal organization. The provision of the new Article 187PC lays down that *any person that forms or joins as a member in an organization which is operationally structured, has three or more persons acting criminally and is further pursuing crime, shall be punished by imprisonment of up to ten years and by paying a penalty* (Action 13.2.4 (a)).

As far as the use of specific investigative techniques in corruption investigations is concerned, through the provisions of Law 4620/2019, Article 255B was added to the Code of Criminal Procedure which provides for special investigative acts with regards to corruption offenses (Action 13.2.4 (b)).

In the context of aiming to improve the inter – institutional cooperation between

the competent anti-corruption bodies, the National Coordinating Body for Audit and Accountability (ESOEL) was established with Article 103 of Law 4622/2019, which replaced the former Coordination Body for Inspection and Control (SOEE). The main objectives of ESOEL are: (a) the identification of synergies and possible overlaps between auditing actions and anti-corruption initiatives, (b) the design and undertaking of joint actions in this area, (c) the systematic dialogue and exchange of views between all authorities involved in the inspection and control of public bodies and the fight against corruption and (d) the dissemination of good practices and innovative methodological approaches and tools, by developing common standards and tools. The ESOEL’s Rules of Procedure has been published (GG 2157/B/4-6-2020) and its first meeting is expected to be held in July (Action 13.2.5).

NTA’s annual stocktaking report for 2020 (with 2019 as the period of reference) has been submitted to the Greek Parliament, as defined in par.5 of article 85 of NTA’s founding law. The report is also available on NTA’s site² (Action 13.2.6).

The Regulation of NTA’s Organization has already been published (Dec: 11699/2020, GG 1991/B/24-5-2020) (Action 13.3.1).

² <https://aead.gr/publications/essays/annual-report-2019>

At the same time, the elaboration of an integrated complaints management methodology and procedure has been completed (Action 13.3.6).

Finally, the implementation of actions included in SRSP2 and linked to the strengthening of the AFCOS coordinating role as well as to the adoption of anti-fraud measures in the Structural Funds has begun (Actions 13.4.1-13.6.2).

PART IV Education and Raising Awareness

The new website of the National Transparency Authority (www.aead.gr) has been launched (Action 14.2.3).

PART V Organizational Change and Operational Reforms of the National Transparency Authority

The majority of NACAP's 5th Part actions, which was added during its first update by the NTA, have been completed. These are actions linked to organizational and operational reforms promoted by the NTA. In particular:

- ✓ The existing (before the establishment of the NTA) e-mail addresses were merged under a common domain (@aead.gr) (Action 15.1.2)
- ✓ The staffing process regarding the administrative staff of NTA has almost been completed (Action 15.1.3)

- ✓ The drafting of: (a) a detailed action plan for the compliance of NTA with the legislation on personal data protection (Action 15.2.1), (b) a code of ethics for the NTA auditors (Action 15.2.2), as well as (c) a manual for the management of prosecution orders has been completed (Action 15.2.3).

Conclusion

The implementation progress of NACAP for the 1st semester of 2020 is satisfactory. The completion rate is now at 46% (68 completed actions out of a total of 147) while the majority of the actions that have not been completed is related to financial instruments and Technical Assistance programs. For the majority of those actions the implementation dates need to be updated in order for the effects of the COVID-19 pandemic to be reflected on the progress implementation of the Action Plan.

Finally, the NTA, with a view to ensuring sustainability and maximizing the effectiveness of anti-corruption interventions and policies, intends to:

- ✓ introduce a standardized procedure for monitoring the NACAP implementation and
- ✓ assign an independent assessment (by an external evaluator) of the progress being made in the implementation of NACAP actions and the achievement of its objectives.



NATIONAL TRANSPARENCY AUTHORITY

- 📍 195 Lenorman & Amfiaraou,
104 42, Athens
- ☎ +30 2106470370
- ☎ +30 2106470375
- ✉ info@aead.gr
- 🌐 www.aead.gr