

HELLENIC REPUBLIC

MINISTRY OF THE INTERIOR, PUBLIC ADMINISTRATION and DECENTRALIZATION

Code of Civil Servants

LAW 2683/1999

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LAW 2683/1999

Ratification of the Code of Regulations of Public Civil Administrative Servants and Employees of Legal Persons of Public Law and other provisions

THE PRESIDENT OF THE HELLENIC REPUBLIC

We promulgate the following law enacted by the Parliament:

First Article

The Code of Regulations of Public Civil Administrative Servants and Employees of Legal Persons of Public Law, as established by the Committee of Article 31 para.6, Law 2190/1994 (Official Gazette Issue No 28/A), which reads as follows, is hereby ratified:

**CODE OF REGULATIONS OF PUBLIC CIVIL ADMINISTRATIVE SERVANTS AND
EMPLOYEES OF LEGAL PERSONS OF PUBLIC LAW**

GENERAL PROVISIONS

Article 1

Principles of the Code of Civil Servants

1. The objective of the present Code is to establish unified and uniform rules governing the hiring and status of civil administrative servants, on the basis of the principles of meritocracy and social solidarity, and the safeguarding of the maximum possible productivity in their work.
2. The function of the Independent Administrative Authority for hiring, the National Public Administration School and the Personnel Training Institute, in the framework of the National Public Administration Center, contributes to the realization of the objective set forth in the preceding paragraph.

Article 2

Scope

1. Civil administrative servants working for the State and legal persons of public law come under the provisions of the present Code.
2. Civil servants or functionaries working for the State or legal persons of public law and governed by special provisions pertaining thereto pursuant to a constitutional or legislative regulation, as well as civil servants working for local government agencies, are subject to those provisions contained in the present Code to which the special statutes governing them make reference.

Article 3

Dispute of Civil Servant's Status

1. Any dispute as to the status of the civil administrative servant, under the present Code, even if it should arise as a preliminary issue in civil or criminal proceedings, will be resolved by decision of a three-member Committee of the Chamber of the Council of State which has competence over civil service disputes.
2. The Committee of the preceding paragraph will be convened by the President of the above-mentioned Chamber, and will consist of himself, or his alternate, and two

councilors of the same Chamber, of whom one will be appointed as Committee Reporter.

3. The Committee will deal with the dispute upon a question submitted by the court or the public authority, before which the relevant issue has arisen, or upon the interested party's application to that effect.
4. The interested party will take care to notify his application to his service and any other public authorities involved. The court or public authority submitting a question will take care to notify the same to the interested party and the authorities of the preceding section. The interested party and the public authorities may submit a memorandum to the Committee within ten (10) days from the date of notification of the relevant question or application to them.
5. The Committee's decision is issued within twenty (20) days from the date of notification of paragraph 4.

PART A

APPOINTMENT CONDITIONS

CHAPTER A

APPOINTMENT QUALIFICATIONS AND IMPEDIMENTS

Article 4

Nationality

1. Only Greek citizens, of both genders, are appointed as civil servants.
2. Citizens of the Member States of the European Union may only be appointed to posts, which do not come under the exception of Article 48 para.4 of the EC Treaty, according to the special statute provisions pertaining thereto.
3. The appointment of foreign nationals, who are not citizens of Member States of the European Union, is only permitted in the cases set forth in special statutes.
4. Persons acquiring the Greek nationality by naturalization may not be appointed as civil servants prior to the completion of one (1) year after the date of acquisition.

Article 5

Failure to Comply with Military Service Obligations

The following will not be appointed as civil servants:

- a) Persons who have not fulfilled their military service obligations, or have not been lawfully discharged,
- b) Persons who have been recognized as conscientious objectors and have not fulfilled, pursuant to the special provisions of the army recruitment legislation, a term in the armed forces without carrying an arm or an alternative civil social service.

Article 6

Appointment Age

1. The minimum and maximum appointment age, per category, is determined as follows: For the US and TS category, the minimum age is set to 21 years and the maximum age to 35 years. For the SE category the minimum age is set to 21 years and the maximum age to 30 years. For the CE category the minimum age is set to 20 years and the maximum age to 30 years.
2. The provisions of para.1 pertaining to the maximum appointment age will not apply in the case of civil servants working for the State and legal persons of public law, who are recallable or hired for a certain term.

3. Deviations from the minimum or maximum ages of para.1 may be determined only for exceptional official reasons, by presidential decrees issued upon the proposal of the proposal of the Interior, Public Administration and Decentralization and the competent Minister, as the case may be, following an opinion submitted by ADEDY (Supreme Administration of Civil Servant Associations).
4. For single or widowed or divorced parents having the custody of a child, the maximum appointment age is increased by one year per child and up to two children.
5. Towards the calculation of the minimum and maximum appointment ages of para.1, January the first of the year of birth will be deemed as date of birth in regard with the minimum age and December the thirty-first of the respective year will be deemed as date of birth in regard with the maximum age.
6. The age is proven by the police identity card and, in the case of dispute, by a birth certificate drawn up within (90) days from the date of birth. If no such certificate exists, the age is proven by the records of male citizens in the case of men and by the general records of citizens (municipal roll) in the case of women.
7. If the relevant records show more than one entries, the first entry will prevail.
8. Any other manner of certification of age or correction of the relevant entry will not be taken into account.
9. Any special age limits effective at the time of the publication of the present Code pertaining to certain categories of persons, will remain in effect.

Article 7

Health

1. Only persons healthy and sound in limb, as required for the performance of their respective duties, will be appointed as civil servants, subject to the provisions on handicapped persons.
2. The health and soundness in limb of candidate civil servants are certified by the competent health committees, on the basis of a referral document, where the service describes in general the duties associated with the post to be filled.

Article 8

Criminal Conviction, Privative or Aiding Court Assistance

1. The following will not be appointed as civil servants:
 - a) Persons found guilty of a felony and convicted to any penalty for theft, embezzlement (common and in the performance of their duty), fraud, extortion, forgery, malversation by a lawyer, bribery, oppression, service malversation, breach of duty, recidivism in defamation, as well as any crime against sexual freedom or involving the financial exploitation of sexual life.
 - b) Persons under remand who have been indicted by virtue of a final bill of indictment to stand trial for a felony or misdemeanour of case (a), even if the offence has been time-barred.
 - c) Persons who as a result of a conviction have been deprived of their civil rights, for as long as said deprivation remains in effect.
 - d) Persons under privative court assistance (full or partial) or under aiding court assistance (full or partial) or under a combination thereof.
2. The granting of pardon will not result to the lifting of the appointment disqualification, in the absence of a decree lifting the relevant impediment pursuant to Article 47 para.1 of the Constitution.

Article 9
Disciplinary Dismissal from Other Post

Persons who have been dismissed from a civil service or local government agency post or from a post with any other legal person of the public sector as a result of the disciplinary sanction of final dismissal or the termination of the employment contract thereof with significant cause attributed to the employee, will not be appointed as civil servants unless a five-year period has lapsed from the date of the dismissal.

Article 10
Time of Compliance with the Appointment Conditions

1. Candidate civil servants must meet the appointment qualifications both at the time of the expiration of the time limit allowed for the submission of applications as well as at the time of the actual appointment. The maximum appointment age must be complied with as of the first above-mentioned point of time.
2. The provisions of the first section of para.1 of the present Article will also apply to the appointment impediments.

CHAPTER B

FILLING OF VACANCIES

Article 11
Planned Filling of Vacancies

1. Civil services and legal persons of public law plan on an annual basis their needs in ordinary staff, upon the opinion of the relevant trade union.
2. The Ministry of the Interior, Public Administration and Decentralization, in the framework of the general government policy, coordinates the human resources planning according to the actual needs of the services.

Article 12
Manner of Filling of Vacancies

1. The filling of vacancies is governed by the principles of equal participation opportunities, meritocracy, objectivity, social solidarity, transparency and publicity.
2. The filling of vacancies takes place by public competition, in writing and exceptionally oral, or according to the order of precedence on the basis of clearly defined criteria, pursuant to the principles of Article 1 of the present and as determined by law.
3. Special provisions regulating the exceptional appointment of civil servants without compliance with the provisions of para.2 will remain in effect.

Article 13
Competent Body

1. The hiring proceedings are carried out by an independent administrative authority.
2. The competent Minister may seek recourse before the Council of State for the reversal of the acts of this independent authority.

Article 14
Announcement of the Filling of Vacancies

1. The hiring proceedings require a priori announcement, which must be published in a special issue of the Official Gazette of the Hellenic Republic. In order for the wider possible information of the candidates to be secured, a summary of the announcement

- is published in the Press and broadcasted by the other mass media, according to the provisions of the law on staff hiring, as they may apply from time to time.
2. The announcement is not permitted without the prior approval in regard with the filling of the vacancies by the competent government body, when such approval is required, and without a certification attesting that the relevant appropriations are available.
 3. Special provisions regulating the exceptional appointment to a vacant post without providing for an announcement, will remain in effect.

CHAPTER C

APPOINTMENT

Article 15

Obligation to Appointment

Successful candidates whose names are included in the list of appointees, must be appointed within thirty (30) days from the date of the expiration of the time-limit allowed for the submission of the supporting documents and at the latest within four (4) months of the issue of the list of appointees.

Article 16

Competence to Issue and Type of Appointment Act

1. Civil servants are appointed by decision of the competent Minister, unless the law provides otherwise.
2. Civil servants working for legal persons of public law are appointed by decision of the supreme one-member administration organ thereof, and, in the absence of such a body, by decision of the Chairman of the legal person's collective administration body.
3. Any existing provisions providing for the appointment by decision of another body, will remain in effect.

Article 17

Publication and Notification of Appointment Act

1. A summary of the appointment act will be published in the Official Gazette and notified to the appointee at the latest within thirty (30) days from the date of publication.
2. Notification to the appointee takes place by a document of the relevant authority, indicating the number of the Official Gazette Issue where the summary of the appointment act was published, which is served against receipt at the appointee's place of residence, either on the appointee himself or on another person living with him. This document fixes a reasonable time limit of no more than thirty (30) days for the appointee's oath taking and assumption of duties. If no such date is fixed, a thirty-day (30 days) time limit is deemed to have been fixed. This time limit may be extended up to six (6) months, only once for exceptional reasons.
3. If the time limit of para.1 should lapse without any action, the appointment act will be deemed to have been served on the thirtieth day from the date of publication, and as of this date the time limit allowed for the appointee's oath taking and assumption of duties will start counting.

Article 18
Establishment of Civil Service Contract

1. The civil service contract will be established upon the civil servant's appointment and acceptance.
2. Acceptance is notified by the taking of the oath.

Article 19
Oath Taking - Assumption of Duties

1. The oath is taken before the issuer of the appointment act or before such body determined in the notification document.
 - a) The oath is the following:
"I pledge my allegiance to my country, to obey the Constitution and the laws and to perform my duties honestly and conscientiously".
 - b) Foreign nationals are required to take the following oath:
"I pledge my allegiance to Greece, to obey her Constitutions and laws and to perform my duties honestly and conscientiously".
 - c) Persons declaring that they have no religion or that their religion does not allow oath taking, are required to offer the following assurance instead of an oath:
"I declare, on my honour and consciousness, that I will be loyal to Greece, obey her Constitution and laws and perform my duties honestly and conscientiously".
2. The oath taking is certified by a protocol, which is dated and signed by the oath taking civil servant and the body administering the oath. The assumption of duties is certified by a report, which is signed by the head of the relevant service and the civil servant. The report has a reference number and the date of assumption of the civil servants duties.
3. The starting point for the calculation of the civil servants' period of service will be the date of publication of the appointment act in the Official Gazette of the Hellenic Republic, provided the assumption of the duties thereof will take place within one month from the date of the notification of the appointment act, or, in the alternative, the date of assumption of the civil servant's duties.

Article 20
Revocation of Appointment

1. The revocation of the act of appointment is mandatory if the appointee has, either explicitly or tacitly, refused the appointment or has failed to comply with the other legal additional obligations prior to the assumption of his duties.
2. The appointment act which has taken place in violation of the law, will be revoked within a two-year period from the date of publication thereof. After this time limit has lapsed, the act of appointment will be revoked, if the person appointed had fraudulently caused or assisted in the offence or if the appointment had taken place in violation of Articles 4 and 8 of the present Code.
3. The civil servant, whose act of appointment is revoked according to the preceding paragraph, will be liable as a civil servant in regard with the period during which he performed his duties, and his acts will be valid.
4. The provisions of para.2 on the banning of the revocation of the appointment act after the lapse of a two-year period will not apply, when the act of appointment is annulled in court.

Article 21 **Reappointment**

1. A civil servant dismissed on the grounds of being physically or intellectually incompetent, will be reappointed within a five-year period from the date of his dismissal, provided:
 - a) He had completed no less than three years of honourable service,
 - b) He files a reappointment application within an exclusive time-limit of five (5) years after the dismissal,
 - c) He has all the formal qualifications, with the exception of age, required for the filling of the post at the time of the reappointment.
2. The civil servant will be reappointed following the opinion of the relevant health committee, establishing that his physical or intellectual capacity has been restored to the extent permitting him to perform his duties. The civil servant will be referred to the committee within a time limit of one (1) month from the date of submission of the reappointment application.
3. The service council will decide on the reappointment. The civil servant will be reappointed to the rank he held at the time of his dismissal. In the event that no vacancies should exist at the time of the reappointment, a personal post will be established. The civil servant reappointed to a personal post will fill the first vacancy in the relevant branch and rank.
4. The provisions of Articles 16 to 20 pertaining to appointment will also apply to reappointment.

Article 22 **Appointee's Rank**

1. The appointed civil servant will enter the civil service holding the starting rank provided for the relevant branch.
2. Exceptionally, persons with increased formal and material qualifications may be appointed to a higher than the starting rank, provided this is set forth in special provisions.

Article 23 **Civil Servant's Personal Record**

1. The personal record is established after the civil servant's appointment and contains all the information identifying his personal, family, financial and service status, according to the following paragraph.
2. In particular, the personal record includes:
 - a) The particulars of the civil servant's identity, the particulars regarding his/her spouse and children, as well as any financial particulars in regard with the civil servant personally, his/her spouse and children, provided they live in the same house. The civil servant offers this information at the time of his appointment in the form of a solemn declaration addressed to his service. Any significant modification of these particulars must be declared in the same manner.
 - b) Certificates of studies or other formal qualifications.
 - c) Decisions, documents or other particulars referring to the civil servant's general service status and activity, including the assessment reports of his essential qualifications.

- d) Any other information submitted by the civil servant to the service, with the request that it be included in his personal record, provided it bears reference to his service status or is convenient towards the purposes of his assessment.
All civil servants are entitled to take knowledge of the contents of their personal records.
3. The competent personnel service is required to maintain, have custody and update the civil servants' personal records, pursuant to the provisions of the preceding paragraphs. Any omission on the part of the persons responsible for the implementation of the preceding section will consist the offence of Article 107 para.1 section (f).
 4. In the event of the civil servant's transfer, the competent service prepares an auxiliary personal record with the necessary information, which accompanies the civil servant.
 5. The necessary information in the personal record are notified to the service council, and to any other competent body, in order for the modifications of the civil servant's service status to take place.
 6. The manner of maintenance and updating of the main and auxiliary personal record, the time of the periodical destruction of the formal qualifications assessment reports, the removal of information at the civil servant's request, as well as the relevant procedure and any other required information are determined by presidential decree, issued upon a proposal of the Minister of the Interior, Public Administration and Decentralization.

PART B

OBLIGATIONS – RESTRICTIONS – IMPEDIMENTS - CIVIL RESPONSIBILITY

CHAPTER A

OBLIGATIONS OF CIVIL SERVANTS

Article 24

Allegiance to the Constitution

A civil servant is the executor of the will of the State, only serves the People and owes allegiance to the constitution and devotion to the Fatherland and Democracy.

Article 25

Legitimacy of Official Acts

1. A civil servant is responsible for the performance of his duties and the legitimacy of his official acts.
2. A civil servant must obey the commands of his superiors. However, when performing a command which he considers illegal, he must express in writing his dissenting opinion prior to obeying said command, and proceed to the performance thereof without causing any delay. The command does not acquire legitimacy as a result of the fact that the civil servant is required to obey it.
3. If the command is manifestly unconstitutional or illegal, the civil servant must refrain from performing it and must make a report to that effect without any delay. When a command, which is manifestly contrary to the provisions of the law regulatory acts, cites urgent or exceptional reasons of public interest, or if, after the civil servant has refused to obey the first command which is manifestly contrary to such provisions, a second command follows citing urgent and exceptional reasons of public interest, the civil servant is required to perform the command and at the same time refer to the

supervising authority of the person giving the command. In the case of legal persons of public law, when the issuer of the command is the board of directors or the supreme one-member administration body, the report is submitted to the supervising minister. If it was the minister who gave the command, the report is submitted to the prime minister.

4. If the civil servant does not agree to a commanded action, which requires his endorsement or legalization, he must express his dissent in writing in order to release himself from the responsibility. If he fails to endorse or legalize the act, he is deemed to have endorsed or legalized the same.
5. Heads of all levels of civil service are required to endorse the documents lying in the sphere of their competence and issued with the signature of their head of service. In the case of their dissent, they are required to express any objections in writing. If they fail to endorse the document, they are deemed to have endorsed the same.
6. A civil servant is not entitled to refuse the preparation, whatever the means thereof, of a document in regard with an issue falling within the sphere of his competence, provided he has been issued a command to that effect by any of his superiors. If he dissents with the contents of the document, para.4 of the present Article takes effect.

Article 26 Confidentiality

1. A civil servant must keep secret the issues characterized as confidential in the provisions in effect. He must also keep confidential the facts or information he has access to during the performance of his duties or as a result of the performance of his duties, whenever this is required by common experience and sense.
2. The confidentiality obligation does not oppose the cases, which provide for the citizens' right to be informed of the contents of administrative documents.
3. Evidence or an expert opinion on confidential matters is only permitted upon the competent minister's permission.

Article 27 Civil Servant's Conduct

1. A civil servant, both in and out of service, must behave in such a manner as to be worthy of the public trust.
2. A civil servant, in the performance of his duties, must behave with propriety to the administered persons and to serve them in the dispatch of their cases.
3. A civil servant, in the performance of his duties, is not allowed to make discriminations in favour or against the citizens, on the grounds of their political, philosophical or religious beliefs.

Article 28 Financial Status

1. A civil servant is required to state in writing, at the time of his appointment, his financial status, that of his spouse and children, provided they live with him, as well as any subsequent significant modification thereof. Civil servants are required to state the financial status of their spouses, within three (3) months from the date of their marriage. Any acquisition of moveable assets of a significant value or real assets, by the civil servant or the persons of the first section, must be reasoned in the statement submitted. If the civil servant invokes the financial support of persons other than the

ones set forth in the first section in regard with such an acquisition, he must also state the financial status of those persons.

2. Every two (2) years the competent personnel service is required to request from civil servants a solemn declaration in regard with any significant modification of their financial status or not. The information contained in these statements must become the object of processing.
3. If the modification of the civil servant's financial status is disproportionate to his income and his general financial status, the competent service is required to conduct an investigation regarding the origin of the civil servant's funds. If this investigation should result to serious indications that the civil servant acquired said funds in a manner consisting a criminal or disciplinary offence, the competent minister will proceed to the necessary actions towards the institution of criminal or disciplinary proceedings against that civil servant. In the case of civil servants working for legal persons of public law, these proceedings may also be instituted by the bodies responsible for the committal of civil servants to the civil service council.
4. The provisions of the present Article will also apply to civil servants coming under the present Code and governed by special provisions.

Article 29 **Working Hours**

1. Civil servants will offer their services within the working hours determined by the general or special provisions in effect.
2. In the event of extraordinary and urgent official needs making this necessary, civil servants must also offer their services beyond the working hours or during non-working days. In this case, civil servants will be compensated according to the provisions in effect.

Article 30 **Duties of Civil Servants**

1. Civil servants perform the duties of their branch or specialization.
2. In cases of pressing official need, which cannot be covered otherwise, civil servants may be assigned duties of another branch or specialization. In such cases, civil servants may be assigned tasks relevant to their own specialization or duties, for which they have the required expertise or skills.
3. The assignment of para.2 may only be permitted for a period of time of up to two (2) months and upon the civil service council's reasoned decision, up to six (6) more months.

CAPTER B

RESTRICTIONS ON CIVIL SERVANTS

Article 31 **Performance of Private Work for Pay**

1. Civil servants may perform private work or employment for pay, upon permission, provided it is consistent with the duties associated with their posts and do not obstruct the smooth performance of their duties.
2. Said permission is granted for a specific work or hiring, upon the consenting reasoned opinion of the civil service council, and is revocable in the same manner. Civil servants of the public sector are granted permission by the competent minister and civil servants working for legal persons of public law are granted permission by the

supreme one-member administration body, or in the absence of such a body, by the chairman of the collective administration body.

3. Civil servants may not exercise commercial business professionally.
4. Special restraining provisions will remain in effect.

Article 32 **Participation in Companies**

1. Civil servants are required to declare to their service any participation in legal persons of private law of any form whatsoever, with the exception of trade unions and public welfare societies.
2. Civil servants are prohibited from participating in any personal commercial company, limited liability company or joint venture and from serving as managing director or special managing director in a corporation or administrator in any commercial company. Upon permission, civil servants may participate in the administration of a corporation or farming co-operative, subject to the reservation of the preceding section. Said permission is granted with the pre-requisites and procedure of Article 31, paragraphs 1 and 2.
3. Civil servants, their spouses and minor children are not allowed to acquire stock in corporations subject to their service's special official control. Any civil servants or their spouses or minor children holding stock in corporations which fall under the ban of the previous section at the time of the appointment thereof, or acquiring such stock during the period of their service as a result of inheritance, are required to submit a statement to that effect to their service and, within one year, either transfer said stock or request their own transfer to another authority in the same civil service or reassignment to another civil service or legal person of public law. The transfer or reassignment is compulsory on his service and takes place according to the provisions of Articles 66 and 73 hereinafter. During the period lapsing until the transfer or the shares or the conclusion of the civil servants' reassignment, the latter come under the conflicting interests impediment of Article 36.
4. Special provisions referring to the legal persons under private law of para.2 of the present Article and establishing additional restrictions on the employees, will remain in effect.
5. Civil servants may participate under their official capacity in co-operatives, the administration of corporations or limited liability companies controlled by the State, legal persons of public law, local government agencies and public enterprises, when special provisions provide for that participation.

CHAPTER C **INCOMPATIBLE WORK OR CAPACITIES**

Article 33 **Work Incompatible with Parliamentary Office**

Civil servants are not permitted to perform work incompatible, under the provisions in effect, with the office of an MP, subject to the provisions of Article 32 para.5.

Article 34 **Lawyers**

The capacity of a civil servant is incompatible with the capacity of a lawyer, unless provided otherwise by special provisions.

Article 35
Occupation of Second Post

1. A civil servant may not be appointed to a second post, no matter under what contractual relation:
 - a) in civil service,
 - b) in legal persons of public law,
 - c) in local government agencies, including the associations thereof,
 - d) in public enterprises and organizations,
 - e) in legal persons under private law; belonging to the State or receiving regular subsidies, according to the provisions in effect, by state funds, up to no less than 50% of their annual budget, or controlled by the State, which holds no less than 51% of their share capital, and
 - f) in legal persons under private law, belonging to, or receiving regular subsidies from the legal persons of points (b), (a), (d) and (e), up to no less than 50% of their annual budget, according to the provisions in effect or their articles of association, or controlled by said legal persons, which hold no less than 51% of their share capital.
2. Special statute provisions permitting the appointment of civil servants to second posts, will remain in effect.
3. Civil servants appointed to a second post in violation of the provisions of the preceding paragraphs, and accepting said appointment, will be deemed to have ipso jure resigned the first post.

CHAPTER D
IMPEDIMENTS

Article 36
Conflicting Interests Impediment

1. A civil servant may not undertake the settlement of an issue or participate in the issuing of acts, either in person or as member of a collective body, when either himself or his spouse or a relative by blood or affinity up to the third degree of kinship, or a person with whom the civil servant are close friends or enemies, has a manifest interest in the outcome of the case.
2. The violation of the provision of the preceding paragraph consists grounds for the annulment of the relevant administrative act.
3. Civil servants who are married between them or relatives by blood or affinity up to the third degree of kinship may not participate in the same collective body.

Article 37
Nativity Impediment

1. Presidential decrees issued upon the proposal of the Minister of the Interior, Public Administration and Decentralization and any other competent minister, as the case may be, following the opinion of the relevant trade union, may set forth that heads of civil services may not serve at the place of their own or their spouses' origin.
2. The preceding paragraph does not apply to the district formerly known as administration district of the capital and to the district of the Municipality of Thessaloniki and the adjacent municipalities.

CHAPTER E
CIVIL RESPONSIBILITY

Article 38
Civil Responsibility

1. Civil servants are responsible to the State in regard with any actual damages caused to the latter as a result of fraud or gross negligence in the performance of their duties. Civil servants are also responsible for the damages paid by the State to any third parties as a result of their illegal acts or omissions in the performance of their duties, when these are the result of fraud or gross negligence. Civil servants are not responsible to the third parties for the above-mentioned acts or omissions.
2. In the case of a civil servant's fraud, indictment before the Court of Auditors is compulsory. In the case of gross negligence, if the civil servant is indicted, the Court of Auditors, assessing the particular circumstances of the case, may charge the civil servant with only part of the damages suffered by the State or the amount the latter was required to pay.
3. If more than one civil servants caused jointly the State to suffer damages, they will be severally responsible pursuant to the provisions of civil law.
4. The State's claim for damages against its civil servants in the cases of para.1 will be time-barred after a period of two (2) years. In the case of the first section of para.1, the two-year period will commence as of the occurrence of the damage, and in the case of the second section as of the date of payment of the compensation amount by the State.
5. The civil responsibility of civil servants and their commanding superiors is governed by the special provisions pertaining thereto.
6. Special provisions on the personal civil responsibility of civil servants against third parties will remain in effect.

PART C
RIGHTS

CHAPTER A
PERMANENCY

Article 39
Right to Permanency - Exemptions

1. Civil servants of the public sector and civil servants working for legal persons of public law and holding posts provided by law will have permanency, if such posts exist.
2. The civil servants of Article 103 para.5 of the Constitutions are exempted from permanency.
3. Permanent civil servants, who pursuant to special provisions occupy the civil service posts of paragraph 2, will retain their permanency.

Article 40
Probation - Permanency

1. Civil servants of the public sector and civil servants working for legal persons of public law and appointed to posts provided by law will be required to spent a two-year trial period of probation, during which they may be dismissed on grounds pertaining to their service only upon decision of the civil service council.
2. Civil servants on probation, during the period of their trial service, are required to follow introductory training programs organized according to the provisions in effect.

3. Within three (3) months of the completion of the probation period, the civil service council is required to decide whether the civil servants on probation qualify for permanency. To this end, the board considers the civil servants' qualifications, as established by the assessment reports and the other information in the civil servants' personal records, their achievement in the introductory training program and the diligence displayed in the framework of this program.
4. Civil servants qualifying for permanency become permanent by act of the body responsible for their appointment. Disqualified civil servants are dismissed by virtue of a similar act.
5. Recourse against the decision of this council not to make permanent a probationer civil servant, as well as against the dismissal decision, pursuant to para.1, may be sought before the Council of State.
6. Civil servants appointed by virtue of special provisions directly to rank A or a higher rank, as well as those who are graduates of the National Public Administration School, are not required to serve a probation period.
7. Special provisions setting forth a longer probation will remain in effect.

CHAPTER B

SALARY - EMPLOYMENT CONDITIONS

Article 41

Salary Entitlement - Claim

1. Civil servants are entitled to a salary. The salary is determined on a monthly basis and aims to allow civil servants to live decently.
2. Any additional salaries or emoluments of kind of the civil servants may not exceed the total salary received per month from their post which is provided by law.
3. A civil servant's claim to a salary commences as of the date he assumes his duties.
4. In the case of employee reinstated after a period of temporary cessation of service or suspension, the claim for a full salary commences as of the reinstatement to his duties.
5. A civil servant's claim to a salary ceases upon the termination of the employment contract.
6. The salaries offered after the termination of the employment contract instead of a pension, according to the pension legislation, are not effected by the provisions of para.5.

Article 42

Time of Payment of Salary

Salary is paid in advance at the beginning of each fortnight. A joint decision of the Ministers of the Interior, Public Administration and Decentralization, and Finance, issued upon the opinion of ADEDY and published in the Official Gazette of the Hellenic Republic, may determine otherwise the time of payment of the salary.

Article 43

Cases when no Salary is Due

1. No salary is payable when the civil servant was responsible for offering his services not at all or only partially.
2. The salary cutback in the cases of para.1 is effected by act of the competent body responsible for the settlement and disbursement of expenditures, which must be notified by the head of the personnel service or the civil service where the civil servant is serving. The civil servant may seek recourse against this act, which is notified to

him against receipt, before the service council within ten (10) days from the date of the notification. The recourse does not have a suspensive effect. The service council's decision is final.

3. In the cases where the civil servant's dismissal procedure has been initiated on the grounds of an incurable disease, the civil servant will be paid the active or suspended salary up to the termination of the service contract, however for no more than six (6) months after the expiration of the convalescence leave or the temporary cessation of service.

Article 44

Terms of Hygiene and Security

1. Civil servants are entitled to safeguard the hygiene and security conditions in the premises where they work.
2. Special provisions apply to the terms of hygiene and security in the civil servants' working premises and to the control of the compliance with said terms.

CHAPTER C

FUNDAMENTAL RIGHTS

Article 45

Freedom of Expression

1. The freedom of the expression of political, philosophical and religious beliefs as well as scientific views and in-service criticism of the acts of the supervising authority constitutes a right for civil servants and is warranted by the State. No discriminations are allowed against civil servants on the basis of their beliefs or views or any criticism of the acts of the supervising authority on their part.
2. Civil servants are allowed to participate in the country's political life pursuant to the provisions in effect.

Article 46

Trade Union Freedom and Right to Strike

1. The freedom to unionize and the unimpeded exercise of the associated rights are guaranteed to civil servants.
2. Civil servants are free to establish trade union organizations, to become members and exercise their trade union rights.
3. Strike constitutes a right for civil servants, exercised through their trade unions as a means to safeguard and promote their financial, labour, trade union, social and insurance interests and as a manifestation of solidarity to other employees for the same purposes. The right to strike is exercised pursuant to the provisions of the law regulating it.
4. Trade union organizations are entitled to negotiate with the competent authorities in regard with the terms, emoluments and employment conditions of their members.

CHAPTER D

PERSONNEL TRAINING

Article 47

Service Training

1. Service training constitutes a right for civil servants. Training is effected through the participation of the civil servants in introductory training programs, personnel training programs, further training programs and post-graduate studies programs or courses.

These programs take place in Greece, in particular in the framework of the National Public Administration Center, or abroad, according to the provisions effective from time to time.

2. Introductory training is compulsory, takes place during the civil servants' period of probation and aims to familiarize employees with the subject-matter of their service and their duties as civil servants in general.
3. The service is required to provide training for its civil servants all through their careers, irrespective of the category, branch, specialization and rank thereof. Personnel training may be general or offer specialization in the subject-matter of the civil servants' duties. The participation of civil servants in personnel training programs may also be compulsory.
4. Further training aims to equip civil servants with the specialized knowledge necessary towards the performance of their duties. It takes place at public or private institutes, in Greece or abroad, in particular at Universities and Technological Education Institutes. The participation of civil servants in further training programs may also be compulsory.
5. Postgraduate studies take place through the participation of civil servants in postgraduate programs or courses in recognized Greek or foreign Universities. The term postgraduate programs or courses means the organized programs or courses leading to a PhD, a title or certificate of postgraduate studies.

CHAPTER E

VACATION

Article 48

Entitlement to Vacation

1. Civil servants completing an actual service of one (1) year are entitled to paid vacation. the length of which is set to twenty (20) working days, if a five-working-day week is implemented, or to twenty-four (24) working days, if a six-working-day week is implemented.
The vacation length is incremented by one working day per year of employment, up to a maximum of twenty-five (25) or thirty (30) working days in the case of a five-working-day or six-working-day week, respectively.
2. By decision of the Minister of the Interior, Public Administration and Decentralization, the number of vacation days of civil servants serving in border areas may be increased by up to four (4) working days.
3. The provisions of the preceding paragraphs do not apply to those having, under the provisions in effect, work vacation. The civil servants of this case may, if there is serious need, receive paid vacation of up to ten (10) working days per year.

Article 49

Granting of Vacation

1. Fifteen (15) days of the civil servants' vacation must be granted, upon the civil servant's request, during the period from May 15 to October 31. This obligation does not apply to the services named in a decision of the competent minister, and which during this period are at the peak of their work, or which work around the clock. When, upon the civil servant's request, the whole vacation is granted outside this period, it is increased by five (5) working days. This increase is not granted when the civil servant makes use of his vacation during the period of Christmas and Easter.

2. The civil service to which the civil servant belongs must grant to him within the second semester of each year the vacation to which he is entitled, even if not requested.
3. The vacation may not be granted, be limited or revoked in order for extraordinary service needs to be covered, always upon the approval of the authority supervising the body responsible for the granting of the vacation. If no such authority exists, the body responsible for the granting of the vacation adopts the relevant decision.
4. Any vacation withheld pursuant to the preceding paragraph must be granted the following year.

CHAPTER F

ACCOMODATION LEAVES

Article 50

Entitlement to Special Leave

1. Civil servants are entitled to a paid leave of absence of five (5) working days in the case of marriage, and three (3) working days in the case of the death of their spouse OR other close relative up to the second degree of kinship.
Furthermore, they are entitled, upon a justified request, to a special paid leave of one (1) to three (3) days, as the case may be, for the exercise of their voting rights or the participation in proceedings before any court.
2. Civil servants suffering, or having children, who suffer from a disease requiring regular blood transfusions or periodical hospitalization, are entitled to a special paid leave of up to twenty-two (22) working days per year. The diseases of the preceding paragraph are determined by presidential decree, issued upon the proposal of the Ministers of the Interior, Public Administration and Decentralization and Health and Welfare.
3. Civil servants with á disability percentage of fifty percent (50%) and more are entitled a paid leave of six (6) working days in addition to their vacation each calendar year.
4. The other leaves provided by special provisions will remain in effect.

Article 51

Unpaid Leave

1. Civil servants may be granted, upon their request, an unpaid leave, subject to the needs of the service being covered. This leave cannot exceed the length of one (1) month in the same calendar year.
2. Civil servants may be granted unpaid leave of up to two (2) years in total, upon their request and the opinion of the service council, for serious private reasons.
3. A civil servant, whose spouse is serving abroad in a Greek civil service, a legal person of public law or other institute of the public sector or in a service or institute of the European Union or other international organization where Greece is a member, is entitled to an unpaid leave of up to six (6) years continuously or piecemeal, provided he has completed a two-year actual service.
4. A civil servant accepting a post in the European Union or an international organization where Greece is a member, will be granted, upon the service council's opinion, an unpaid leave of up to five (5) years, which may be extended with the same procedure for a further five-year period. If the civil servant fails to appear and assume his duties within two (2) months from the date of expiration of the leave, he will be deemed to have ipso jure resigned the service.

5. The term of unpaid leave consists term of actual service only in the case of the preceding paragraphs 1 and 4.
6. During the leave of para.4, the civil servant is required to pay the legal main and additional insurance deductions and the welfare fund deductions corresponding to his rank: or salary in Greece.

Article 52 **Maternity Leave**

1. Pregnant civil servants will be granted a fully paid maternity leave for two (2) months prior and three (3) months after giving birth. Pregnancy leave is granted upon a certification of the civil servant's attending physician as to the anticipated time of delivery.
2. When the delivery takes place at a time later than the time initially anticipated, the leave granted will be extended up to the actual date of the delivery, without this extension resulting to a corresponding reduction of the leave granted after the delivery. When the delivery takes place at a time earlier than the time initially anticipated, the remainder of the leave is granted after the delivery, in order for a total period of five (5) months of leave to be granted.
3. Pregnant civil servants in need of special treatment will be granted paid pregnancy leave, after their paid sick leave is exhausted, upon the certification of their attending physician and a director of a gynecological or maternity clinic or a public hospital clinic.
4. Civil servants adopting a child will be granted a fully paid leave of three (3) months within the first semester after the conclusion of the adoption procedure, if the adopted child is up to six (6) years old.
5. Delivery allowances paid to a civil servant of a public person of public law, as a result of her compulsory insurance with insurance institutions, will be deducted from the salaries paid during the maternity leave, when the insurance is also based on the legal person's contribution.

Article 53 **Facilities Extended to Civil Servants with Family Obligations**

1. The leave of Article 52 para.2 must be granted without need for the service council's opinion, in the case of the upbringing of a child of up to six (6) years old.
2. Civil servants who are mothers have reduced working hours by two (2) hours daily, when their children are up to two (2) years old, or by one (1) hour daily, when their children are from two (2) to four (4) years old. Civil servants who are mothers are entitled to nine (9) months of paid leave for the upbringing of their child, when they make no use of the reduced working hours of the preceding paragraph.
3. When one parent takes the leave of para.1, the other has no right to make use of the facilities of para.2 during the same period of time.
4. In the case of separation, divorce, widowhood or birth of a child out of wedlock, the parent exercising parental care is entitled to the leave of para.1.
5. Services are required to facilitated civil servants with children attending primary or secondary education courses, so that they can visit their children's school and be informed as to their scholastic progress.
6. A decision of the Minister of the Interior, Public Administration and Decentralization regulates the implementation details of the provisions of the preceding paragraph and determines the maximum number of days of absence.

CHAPTER G
CONVALESCENCE LEAVE

Article 54
Entitlement to Convalescence Leave

1. Civil servants with three years of actual service or more, who are sick or need to convalesce, are entitled to paid convalescence leave of a length of the same number of months as the number of years of their service, from which the total length of any convalescence leave received in the preceding five-year period is subtracted. No continuous convalescence leave may exceed a twelve-month length.
2. Civil servants with less than three years of service are entitled, for the same reasons, to paid convalescence leave of a length of the same number of months as the number of years of their service, from which the total length of any convalescence leave received up to then is subtracted.
A period of service of no less than six (6) months is considered as a full year.
3. Any days of absence due to sickness preceding the leave are taken into consideration towards the calculation of the convalescence leave.
4. Civil servants suffering from hard to cure diseases are entitled to convalescence leave of a length double than the length of the leaves of the preceding paragraphs.
5. Hard to cure diseases are determined by decision of the Minister of Health and Welfare, issued upon the opinion of the Central Health Board.

Article 55
Granting of Convalescence Leave

1. Convalescence leave is granted per three-month-periods or, in the case of hard to care diseases, per six-month-periods maximum, upon an opinion of the relevant health committee, according to Article 166.
2. Short convalescence leaves are granted: a) upon the civil servant's solemn declaration or the attending physician's opinion, for up to two (2) days each time and up to a maximum of four (4) days annually, b) upon the attending physician's opinion up to three (3) days each time and up to a maximum of six (6) days annually, c) upon the opinion of the director of a public hospital clinic, for up to five (5) days each time and up to a maximum of ten (10) days annually.
The total number of short convalescence leaves of cases (a), (b) and (c) granted without need for the opinion of a health committee cannot exceed cumulatively ten (10) days annually.
3. Civil servants are required to accept the visit of the inspecting physician.
4. The service is required to send a physician to examine a civil servant making repeated use of short convalescence leaves.

Article 56
Granting Procedure for Convalescence Leave

1. A convalescence leave is granted upon the civil servant's request or ex officio.
2. A convalescence leave in excess of ten (10) days annually is granted upon the opinion of the relevant health committee, with the exception of the case when the leave is granted on the basis of a common opinion issued by the director of a public hospital clinic and one physician of the same public hospital.
3. The competent body responsible for the granting of the convalescence leave may either grant all the days of leave recommended by the primary health committee or, if it

should find the opinion thereof unreasoned, refer the interested civil servant for examination to the secondary health committee. The interested civil servant may, within ten (10) days from the date of notification of the primary-health committee's opinion, object and request a new examination by the competent secondary committee, either in the case his request has been dismissed in total or when the primary committee's decision is not unanimous. The convalescence leave recommended by the secondary health committee is compulsory.

4. Both the civil service and the civil servant are entitled to object before the primary or special health committee in regard with the exceptional granting of leave pursuant to para.2 of the present Article.
5. Civil servants are required to submit a request for the extension of their convalescence leave at the latest within the last fortnight of the term of leave granted to them.
6. After each examination, as well as after the expiration of the maximum length of the convalescence leave, health committees give their opinion on whether the disease is curable or not. In the second case, and after the opinion becomes final, the civil servant is dismissed pursuant to the provisions of Article 154. The supervising authorities of the relevant service may also refer ex officio civil servants to the secondary health committees for dismissal, if they find that they cannot perform their duties as a result of physical or mental disability, and either prior to the granting of convalescence leave or after the expiration thereof.
7. The interested civil servant may seek recourse against the opinion of the competent health committee dismissing him from service due to sickness, within an exclusive ten-day time limit from the date of the notification of the health committee's decision, before the appeals committee of Article 167, subject to the provision of the second section of Article 168, para.2. A civil servant may seek recourse against the competent health committee's opinion finding him fit for service before the same committee.
8. A civil servant is required to appear for medical examination upon the committee's request. If he fails to appear, no convalescence leave will be granted.
9. A civil servant who is traveling with reason, is required, as soon as he becomes sick, to submit a request for convalescence leave at the nearest health committee. If the health committee fails to examine the civil servant for any reason before his return to his seat, it must forward the request with the relevant supporting documents to the health committee of the civil servant's seat.
10. If the competent health committee should find that in order for a convalescence leave to be granted the civil servant should remain under medical observation for a certain period of time in a hospital the leave will not be granted prior to this observation period.
11. A secondary health committee's opinion refusing to grant leave either in total or in part will not result to consequences against the civil servant, if this leave has already been spent on the basis of a primary health committee's opinion, unless the civil servant committed gross negligence or fraud in order to be granted said leave.
12. Special provisions on the inspection of civil servants' sickness at home will remain in effect.

Article 57

Health Care - Funeral Expenses

1. Civil servants and their family members are entitled to health care, which includes hospital, medical and pharmaceutical care.

2. The manner, conditions and institutions offering health care, the civil servant's family members entitled to health care as well as any participation of the civil servants in the health care expenses are determined by presidential decree issued upon the proposal of the Ministers of the Interior, Public Administration and Decentralization, and Health and Welfare.
3. The service is required to pay the funeral expenses of civil servants and their spouses and children, if they are protected by, and dependent on them. Any amount paid on the basis of the provisions in effect by an insurance organization or any other public carrier for the same reason, will be deducted from said expenses.
4. A joint decision of the Ministers of the Interior, Public Administration and Decentralization, Health and Welfare, and Finance determines the amount and manner of payment of funeral expenses, as well as any other relevant details.

CHAPTER H

SPECIAL LEAVES

Article 58

Official Studies Leave

1. A civil servant is entitled to request an official studies leave for his participation in further training programs and postgraduate programs or courses. No leave will be granted if the civil servant is, at the time of the request, over fifty (50) years of age or if he has not completed three (3) years of actual service. In the case of a civil servant's participation in further training programs with a term of less than one year, no leave will be granted if the civil servant is over fifty-five (55) years of age.
2. An official studies leave is granted by the competent minister or by the management of the relevant legal person of public law, upon the civil servant's request and the service council's consenting opinion, which is issued upon the consideration of the relevance of the proposed further training or postgraduate studies to the subject-matter of the civil servant's work, and the civil servant's service record, knowledge and age. In particular in regard with a leave granted for studies abroad, proficiency in the language of the relevant country is required.
3. A leave is compulsory if the civil servant has received a scholarship from the State Scholarship Institute. A scholarship from another Greek, international or foreign institute or organization or a foreign government for further training or postgraduate studies in regard with the civil servant's object of work is taken into consideration towards the granting of the leave. A rejection of the request for leave must be specifically reasoned.
4. An official studies leave cannot exceed a period of two years. In the case of studies in postgraduate programs or courses lasting two (2) years or in the case of the elaboration of a doctoral thesis, the official studies leave cannot exceed a period of three (3) or four (4) years, respectively. A civil servant cannot be granted an official studies leave of a duration of more than five (5) years in the whole period of his service.
5. A civil servant granted an official studies leave will be paid his salary. Civil servants granted a leave for further training or postgraduate studies in Greece will receive a salary increased by 15%. Upon the service council's consenting opinion, a salary increased by up to 75% may be paid. Civil servants granted a leave for further training or postgraduate studies abroad will receive double the amount of his salary in Greece. The salary increment will be reduced by the part covered by the scholarship or other

award or compensation paid to the civil servant in Greece or abroad. Civil servants are also entitled to travelling expenses.

6. An official studies leave may be revoked for exceptional official reasons or for reasons involving the civil servant's progress prior to the expiration of the term of the leave, by virtue of an act of the competent organ responsible for the granting of the leave, issued upon the service council's consenting and specifically reasoned opinion.
7. After the expiration of the studies leave, the civil servant is required to serve in the public sector or at a legal person of public law for a period equal to three times the term of the leave granted. This period may not be less than three (3) or more than ten (10) years. If the civil servant fails to comply with this obligation, he will be required to return the salaries received during the term of the leave, which in this case does not count as actual service.
8. A decision of the Minister of the Interior, Public Administration and Decentralization determines the obligations of civil servants during the leave of the present Article as well as any other necessary details.

Article 59

Leaves Granted for Educational and Scientific Reasons

1. Short leaves must be granted to civil servants participating in competitions for a scholarship or for admission to the National Public Administration School or for entry to courses of postgraduate studies on subjects of interest to the service, upon their request.
2. Similar leaves may be granted for participation in conferences, congresses, seminars and any sort of scientific meetings, in Greece or abroad, if the participation of the civil servants is deemed advisable for the service.
3. The leaves of the preceding paragraphs are granted by the competent minister or the administration of the relevant legal person of public law, as the case may be, upon the opinion of the civil servant's direct supervisor, and they are paid leaves for the whole period during which the civil servant participates in the competition or other events. The days required for the civil servant's travel to and from the place of his destination are added to this period.

Article 60

Examination Leave

1. Civil servants who are students attending courses in schools and educational institutes of all three levels of studies, whether graduate or postgraduate, are granted paid examination leave.
2. The examination leave may not exceed twenty (20) working days per year and is granted as a continuous period or piecemeal during the examination period, as requested by the student. The examination leaves are granted during the period of studies and for up to two semesters at the most after the expiration thereof, if the civil servant has not finished his studies. For each day of examinations two (2) days of leave are granted.

CHAPTER I

NON-PECUNIARY REMUNERATIONS

Article 61

Commendation - Medal

1. Civil servants may receive the following non-pecuniary remunerations for exceptional acts during their service, beyond the call of duty:

- a) Commendation.
 - b) A distinguished acts medal, with a diploma.
2. The form, dimensions and representation on the distinguished acts medal and the type and contents of the diploma as well as any other relevant details are determined by presidential decree, issued upon the proposal of the Minister of the Interior, Public Administration and Decentralization.

Article 62

Manner of Award of Non-Pecuniary Remunerations Publication of Award

1. A commendation is awarded by decision of the competent minister, upon the relevant service council's consenting and reasoned opinion.
2. A distinguished acts medal is awarded by presidential decree, issued on proposal of the competent minister, upon the relevant service council's consenting and reasoned opinion.
3. The act of award of non-pecuniary remuneration is published in the Official Gazette of the Hellenic Republic and announced by circular to all the services of the ministry or the legal person of public law where the civil servant belongs.

Article 63

Contentment

1. Civil servants retiring after a minimum of thirty years of honourable service may be awarded the service's contentment.
2. The contentment is awarded with the act terminating the employment contract and included in the text published in the Official Gazette of the Hellenic Republic.

Article 64

Reward of Proposals or Studies

1. Civil servants who, on their own initiative, prepare and submit a significant original proposal or study, on either the subject-matters of their service or the better organization or improvement of the service's productivity, will be rewarded with pecuniary prizes.
2. The bodies, assessment and reward procedure for the proposals or studies, the manner of implementation thereof, the amount of the pecuniary prizes and every other necessary detail are determined by presidential decree issued upon the proposal of the Minister of the Interior, Public Administration and Decentralization and the Minister of Finance.
3. The pecuniary prize is awarded to the beneficiary even after his retirement from service.

PART D

OFFICIAL MODIFICATIONS

CHAPTER A

MOBILITY

Article 65

Placement

1. Civil servants, after their appointment, are placed by decision of the head of the relevant authority, upon the competent service council's opinion, to a post, for the occupation of which they participated in the hiring procedure. If a civil servant may be

placed to more than one posts, any statement of preference submitted will be taken into consideration. No opinion is required from the service council, if the hiring procedure indicates the post and service unit where the civil servant is going to be employed.

2. Heads of service units are appointed, by decision of the relevant authority and upon the service council's opinion, depending on their qualifications, expertise and skills. The service council also considers the total time of previous service, the time of service per area, the family status, age, the spouse's attending service and the civil servant's nativity. Placement to posts in the same authority take place without need for the service council's opinion.

Article 66 Reassignment

1. Civil servants may be reassigned from one unit to another under the same authority by decision of the head of that authority.
2. Heads of service units are reassigned to units of a corresponding level.
3. The relevant body must take into consideration criteria such as the civil servant's place of residence, the state of his health, his family status and his spouse's attending service, in order to decide his reassignment to a unit seated in the district of another municipality or community.

Article 67 Transfer

1. A civil servant may be transferred upon his request or ex officio by the service, only when there is a vacancy to be filled.
2. Requested transfers take precedence over non-requested transfers. Requested transfers of civil servants suffering from hard to cure diseases take precedence over the other categories of requested transfers. Parents of large families may not be transferred without their request.
3. In order for the transfers to take place, the criteria of the civil servant's total time of previous service, time of service per area, family status, age, spouse's attending service and nativity are taken into consideration, assessed by co-efficients of weight (points). The civil servant's family status is assessed as follows: three (3) points for the spouse, three (3) points for the first and five (5) points for each of the following minor children or children studying at a higher educational institute, provided they are not yet 25 years old. Single, divorced, widowed and separated parents of children complying with the conditions of the preceding section, who can prove that they have been awarded the custody thereof, have a co-efficient of weight increased by one (1) point per child. The age of 40, 41-50 and 51-60 is assessed with a co-efficient of one (1), two (2) and three (3), respectively.
4. Co-efficients in addition to those of the preceding paragraph are determined by presidential decrees, issued upon the proposal of the Minister of the Interior, Public Administration and Decentralization and the competent minister, depending on the operational conditions and specific needs of the service. Furthermore, the procedure on the basis of lists of transferees, the possibility of exceptions from transfer and the possibility of the personal suspension thereof, as well as any other necessary details towards the transfers, are also determined in the same manner per ministry or independent civil service or legal person of public law or any personnel branch thereof. The supplementation of up to three criteria at the most and the determination

of their co-efficients may also be decided by the same presidential decrees, depending on the operational conditions and the specific needs of the service. In the same manner, the nativity criterion may not be taken into consideration, when this is required by the nature of the service.

Any amendment to the presidential decrees of the present paragraph will not affect the lists of transferees in effect, or the procedure of drawing up lists of transferees already in process.

5. The transfer of civil servants is effected by decision of the competent administration body, upon the service council's consenting opinion.
6. The document whereby the civil servant is notified of his transfer also sets forth the time limit for him to proceed to his new post, as required. This time limit may not be in excess of one (1) month and in the case of transfers to and from another country, two (2) months.
7. No civil servant will be transfer prior to completing two years at the service where he was placed upon his appointment.
8. A transfer is exceptionally allowed prior to the expiration of the above mentioned period of time, according to the procedure of para.5, either in the case of a mutual request by civil servants of the same branch, or for serious official or personal reasons.
9. The transfer of a civil servant upon his request to á border area in order to serve near his spouse, is compulsory.
10. Special provisions on transfers will remain in effect.

Article 68 **Secondment**

1. The secondment of civil servants of any form of civil service of legal person of public law to another ministry's or public láu legal person's service, in order for serious and urgent temporary official needs to be covered, may take place by decision of the competent ministers, upon the opinion of the relevant service councils.
2. Civil servants may be seconded from one authority to another in the same ministry or legal person of public law, in order for official needs to be covered, by decision of the competent minister or administration body of the legal person, upon the service council's opinion.
3. Exceptionally, civil servants may be seconded for personal needs, and provided the service's needs are covered.
4. The duration of the above mentioned secondments may not exceed a total period of two (2) years.
5. The secondment ceases ipso jure upon the expiration of the time limit of para.4. The civil servant must return to his former post upon the expiration of the secondment, without need for any further formalities.
6. If the seconded civil servant is selected as head of á unit determined by law, the secondment will cease ipso jure as of the date of his placement as head of the unit.
7. The secondment may cease at any time prior to the expiration of the time limit of para.4, for official reasons.
8. In the case of para.1, a seconded civil servant who has completed a two-year period of secondment, either continuously or piecemeal, may not be seconded prior to the expiration of a three-year period from the end of the previous secondment. A secondment of up to four (4) months is allowed for exceptional reasons even prior to the lapse of the above mentioned three-year period.
9. No civil servants may be seconded during the period of his probation.

10. The secondment decision also sets forth the service which will bear the seconded civil servant's salary expenditure.
11. Secondment to the offices of MPs or Greek Members of the European Parliament may take place pursuant to the special provisions in effect.
12. Any special provisions will remain in effect.

CHAPTER B

MOBILITY - REASSIGNMENT

Article 69

Reassignment from One to Another Branch in the same Category

A civil servant may be reassigned to a vacancy of another branch in the same category of the same ministry of legal person of public law, respectively, either upon the initiative of the service or upon the civil servant's request. The reassigned civil servant must meet all the formal and material qualifications in order to cover the post to which he is reassigned. No probationer civil servants will be reassigned.

Article 70

Reassignment to a Superior Category Branch

1. A civil servant may be reassigned to a vacancy of a branch in a superior category of the same ministry of legal person of public law, respectively, upon his request. The reassigned civil servant must meet all the formal and material qualifications of the branch to which he is reassigned. No probationer civil servants will be reassigned.
2. Civil servants, who at the time of submitting their appointment application met the required formal qualifications for their appointment to a superior category, may not be reassigned to a branch post of a superior category prior to the expiration of eight years from the date of their appointment.
3. Civil servants are reassigned maintaining the rank they hold. If the entering rank of the branch to which they are reassigned is higher than the rank they now hold, they are reassigned with this entering rank. The term of service completed at the rank held by the civil servant at the time of his reassignment, is considered to have been completed at the rank of the post to which he is reassigned, provided it has been completed in compliance with the formal qualifications of the superior category.

Article 71

Reassignment Procedure

1. The reassignments of Articles 69 and 70 of the present are effected upon the competent service council's opinion, which also takes into consideration the needs of the service.
2. The reassignment requests of the cases of para.1 are submitted to the competent personnel service twice (2) a year, in the months of March and October, and are jointly examined by the competent service councils.
3. If more than one reassignment requests should be submitted for the same post, the service council will consider each civil servant's record, time of acquisition of the formal qualifications, time of total previous service at the rank and branch, as well as the other information in their service records.
4. Posts for which an appointment procedure has been initiated will not be covered by reassignment.

Article 72

**Reassignment to a Superior Category in Another Ministry
or Legal Person of public law**

1. A civil servant may be reassigned to a vacancy of a branch of a superior category in another ministry or legal person of public law, if he holds a certificate of studies which does not consist a formal appointment qualification in any branch of the ministry or legal person of public law where he now serves.
2. The reassignment is effected pursuant to the terms of Article 70 hereinabove.
3. The procedure of Article 71 hereinabove applies by analogy to the present case.

**Article 73
Reassignment Act**

1. The reassignments of the present Chapter are effected by decision of the competent minister or ministers. In the case of civil servants of legal persons of public law, reassignments are effected by decision of the competent one-member administration bodies, or, in the absence thereof, by resolution of their board of directors. Reassignments from a legal person of public law to a ministry or another legal person of public law and vice versa, are effected by decision of the competent ministers.
2. The reassignment act is published in summary in the Official Gazette of the Hellenic Republic.

**Article 74
Special Provisions**

Any special provisions regulating reassignment issues, which are not covered in the present Chapter, will remain in effect.

CHAPTER C

GATEGORIES - BRANCHES - QUALIFICATIONS

**Article 75
Classification of Posts in Categories**

The posts of the personnel which comes under the provisions of the present Code are classified in the following categories:

- a) Special Posts category (SP)
- b) Posts in the University Studies category (US)
- c) Posts in the Technological Studies category (TS)
- d) Posts in the Secondary Education category (SE)
- e) Posts in the Compulsory Education category (CE).

**Article 76
Posts per Category - Formal Qualifications**

1. CE category posts are those for which the formal appointment qualification is a compulsory education graduation certificate or a graduation certificate from an equivalent lower technical school.
2. SE category posts are those for which the formal appointment qualification is a graduation certificate or diploma from a secondary education school or other equivalent school or recognized school for blind telephone operators.
In the cases where the filling of posts in the technical skills branches of the SE category is not possible, if no candidates with the qualifications of the present paragraph or if less than the number of vacancies appeared, an appointment on the

basis of the qualifications of the preceding paragraph or no less than three years technical expertise may take place.

3. TS category posts are those for which the formal appointment qualification is a certificate or diploma from a Greek technological educational institute school or an equivalent Greek or foreign certificate or diploma or a KATEE diploma or an equivalent Greek or foreign certificate diploma.
4. US category posts are those for which the formal appointment qualification is a degree or diploma from a Greek University School or Department, or an equivalent foreign educational institute.
5. SP category posts are the general secretary posts as well as the posts set forth in special provisions.

Article 77

Posts and Formal Qualifications per Branch-Duties

1. The classification of each category's posts in branches, the branch specializations, the distribution of each branch's posts per specialization and the formal qualifications for the appointment to each branch's posts pursuant to Article 76, are determined in the relevant service regulations. If the service regulations do not provide for the distribution of posts per specialization, the number of civil servants appointed from each specialization is determined in the invitation for the filling of the relevant branch's vacancies.
2. The service regulations may also require additional special formal appointment qualifications for the posts in each branch, as well as the certificate of studies or other documents proving the concurrence thereof. In exceptional cases, when proof by way of documents is not possible, proof by way of other means is permitted according to a procedure determined by presidential decree, issued upon the proposal of the Minister of the Interior, Public Administration and Decentralization and the competent ministers, or in the relevant service regulations.
3. The branches, specializations, formal appointment qualifications in regard with each branch's or specialization's posts, the duties of each branch or group of branches or the same or different categories and any other necessary details may be uniformly determined for all, or part of the civil services or legal persons of public law, by presidential decree issued upon the proposal of the Minister of the Interior, Public Administration and Decentralization.

Article 78

Inter-ministerial Branches

1. Presidential decrees, issued upon the proposal of the Minister of the Interior, Public Administration and Decentralization and the competent ministers, as the case may be, after the opinion of ADEDY, may: a) establish inter-ministerial branches, or b) merge similar branches or branch specializations of the same category in more than one ministries forming one single inter-ministerial branch, or c) establish an inter-ministerial branch with a certain specialization consisting of posts of the same category in different ministry branches, in order to perform duties of the same specialization or exercise the same operation in more than one ministries. The same decrees regulate issues pertaining to the classification of civil servants in these branches, whose posts are transferred to the inter-ministerial branch, as well as to the reassignment of civil servants to these branches. Similar presidential decrees determine the application qualifications for the inter-ministerial branch, the competent minister for the administration of the inter-ministerial branch and any other issue

pertaining to the organization and operation of the branch. When additional insurance issues regarding the inter-ministerial branch personnel are regulated, the relevant decrees are issued upon the proposal of the Minister of Labour as well.

2. The inter-ministerial branch posts are distributed among the services of the individual ministries by joint decision of the Minister of the Interior, Public Administration and Decentralization and the competent minister for the administration of the branch.

Article 79

Structuring of Posts according to Rank

1. Posts in the SP category are classified in the 1st and 2nd rank.
2. Posts in categories US, TS, SE and CE are classified in seven (7) ranks in total, as follows:
 General Director's Rank
 Director's Rank
 Rank A
 Rank B
 Rank C
 Rank D
 Rank E
3. Posts in the US category are classified in ranks beginning from rank D, which is the entering rank, up to the General Director's rank, which is the final rank. Graduates of the National Public Administration Rank begin from rank B, which is the entering rank in their case.
4. Posts in the TS category are classified in ranks beginning from rank D, which is the entering rank, up to the Director's rank, which is the final rank.
5. Posts in the SE category are classified in ranks beginning from rank D, which is the entering rank, up to rank A, which is the final rank, and exceptionally up to the Director's rank, when this is set forth by the regulation provisions, pursuant to para.8 of the present Article.
6. Posts in the CE category are classified in ranks beginning from rank E, which is the entering rank, up to rank B, which is the ending rank.
7. a) The posts of categories US, TS and DE are uniform up to rank A.
 b) The posts of category CE are uniform.
8. At the regional departments of civil services and legal persons of public law, civil servants in the SE category are promoted to the rank of Director in the case of absence of civil servants in the relevant branches of the US and TS categories, subject to a provision to that effect contained in the relevant service regulations.
9. The number of General Director's posts corresponds to the General Direction units. The number of Director's posts corresponds to the Direction, Sub-direction units or other units of a similar level.
10. The classification of each branch's posts per rank may not, depending on the individual official needs of each service, exhaust the above-mentioned rank hierarchy. The provisions of para.8 of the present Article apply in particular to the advancement of civil servants of the SE category to the rank of Director.
11. The distribution of the posts of each branch of the relevant service in the ranks of the present Article takes is determined in the service regulations. When the participation of civil servants or more than one branches or categories for the promotion to the posts of General Director and Director is provided, the posts are established outside the rank hierarchy of these branches and belong to all the branches.

CHAPTER D**PROMOTION - HEADS****Article 80
Assessment**

1. The material qualifications of civil servants are assessed the basis of an assessment system, which is governed by the principles of impartiality, the civil servant's professional skills and productivity.
2. The cases requiring assessment, the assessment criteria, the time, frequency, type, procedure and assessment bodies as well as the civil servants' relevant rights and guarantees are determined by presidential decree, issued upon the proposal of the Minister of the Interior, Public Administration and Decentralization, following the opinion of ADEDY, which is given within a thirty-day time limit.

**Article 81
Time of Promotion**

1. The following are required for the civil servants' promotion:
 - a) For the US category: from rank D to rank C a three-year service at rank D, from rank C to rank B a four-year service at rank C, from rank B to rank A a six-year service at rank B, from rank A to the Director's rank a six-year service at rank A and the performance of a department head's duties for no less than two three-year periods, from the Director's rank to the General Director's rank a four-year service at the Director's rank.
 - b) For the TS category: from rank D to rank C a three-year service at rank D, from rank C to rank B a seven-year service at rank C, from rank B to rank A a seven-year service at rank B, from rank A to the Director's rank a six-year service at rank A and the performance of a department head's duties for no less than two three-year periods.
 - c) For the SE category: from rank D to rank C a three-year service at rank D, from rank C to rank B a eight-year service at rank C, from rank B to rank A a eight-year service at rank B, from rank A to the Director's rank a seven-year service at rank A and the performance of a department head's duties for no less than two three-year periods.
 - d) For the CE category: from rank E to rank D a three-year service at rank E, from rank D to rank C a ten-year service at rank D, from rank C to rank B a nine-year service at rank C.
2. In the case of civil servants in the US or TS categories, holding degrees of no less than one year's postgraduate studies, the time of service required for their advancement in rank is reduced by a total of one (1) year. In the case of holders of PhDs, the time of service required for their advancement in rank is reduced by three (3) years in total for civil servants in the US category and two (2) years in total for civil servants in the TS category. If a civil servant holds both a degree of postgraduate studies and a PhD, only the PhD will be taken into consideration towards the above-mentioned reduction of service time. Said certificates of studies must bear reference to the subject-matters of the civil servants' current or possible, pursuant to their service regulations, employment. Degrees of postgraduate studies and PhDs are degrees awarded by a respective separate certificate of studies after the award of the University of Technological Educational Institute degree or diploma. A certification of equivalence is required for degrees of postgraduate studies and PhD of foreign universities.

Article 82 Promotion System

1. Civil servants are promoted to the immediately following uniform rank, if they have completed the required time of service at their current rank and if they have the material qualifications according to the information in their personal records.
In particular in regard with the promotion to rank A, a civil servant must undisputedly have the material qualifications required according to the information in his personal record.
2. Civil servants are promoted to the Director's rank when they have completed the required time of service at rank A, and have served as heads of a department or independent office or unit of a corresponding level for no less than two (2) three-year terms.
3. Civil servants are promoted to the General Director's rank when they have completed the required time of service at the Director's rank.
4. The following are required for the promotion to the rank of Director and General Director:
 - a) a vacancy,
 - b) the completion of the required period of service,
 - c) the concurrence of the formal and material qualifications.
5. Civil servants are promoted up to the Director's rank by decision of the relevant service council.
6. When the filling of vacancies by promotion is not possible, on the basis of the relevant lists of promotees, due to the lack of civil servants meeting the formal and material qualifications, the duties of these posts may be assigned to a civil servant of the immediately lower rank by decision of the relevant minister of the supreme administration body of the legal person of public law, provided that civil servant belongs to a branch with regulations which permit the promotion of its civil servants to supervising posts.
7. Civil servants are promoted to the rank of General Director by decision of the special service council of Article 158, following an application to that effect submitted within an exclusive time limit set by the relevant minister, which cannot be less than ten (10) days. The application is accompanied by a curriculum vita, the contents of which are based on the information in the civil servant's personal record.
Civil servants of other services or legal persons of public law with a relevant object, as these are determined by presidential decree issued, upon the proposal of the Minister of the Interior, Public Administration and Decentralization, are also entitled to submit an application.
The special service council summons the candidates to an oral interview and they are entitled to set forth their views, thus allowing the council to form an opinion as to each candidate's skills and personality in regard with the performance of the duties of a General Director and to promote the most suitable among them.
8. The special service council may, upon a specifically reasoned proposal of the minister or the administration body of the legal person of public law, relieve a General Director of his duties, by way of a specifically reasoned decision, on the grounds of unsuitability or failure to perform his duties as General Director. Recourse may be sought before the Council of State against this decision of the special service council.
In the case of such a discharge from duties, if the civil servant withdraws from the service within two (2) months, he retains the rank and title of the post then occupied,

and two (2) years are fictitiously added to the period of his actual service, as a real period of service. Or, in the alternative, he fills a vacancy with the rank of Director, or in the absence thereof, the first vacancy to occur. Until a vacancy occurs, the civil servant occupies an established temporary directorial post, which is cancelled following his withdrawal, whatever the manner thereof, and performs the duties determined by decision of the competent minister of the administration body of the competent legal person of public law.

Article 83

Review Criteria

1. The service council, in order to establish the concurrence of the material qualifications, takes into consideration all the information in the civil servant's personal record, giving evidence as to his official activities, initiative, performance of duties as a head of a department and capacity to motivate his subordinates towards an increased official efficiency.
2. Candidates who, according to their personal records based on facts, have shown a higher level of initiative, administrative skills and official activities compared to the other candidates will be preferred.
3. In the case of parity in the process of the material qualifications assessment, graduates of the National Public Administration School will be preferred. Additional certificates of studies, on conjunction with the civil servant's service performance, will also be taken into consideration by the service council.
4. Promotion training is an asset towards the civil servant's promotion, when and as determined by special provisions.
5. Reasoning is only required in the case of a manifestly superior candidate who is left out.
6. The effect of convalescence leaves on the civil servant's ability to perform the higher rank's increased and more demanding duties, as well as the effect of systematically repeated convalescence leaves, will also be taken into consideration by the service council.
7. In particular in regard with the promotion to the rank of General Director, the information in each civil servant's personal record is primarily considered, of which in particular the candidate's comprehensive professional training and scientific knowledge, his official activities, capacity to take initiative and assume responsibilities, his ease of programming and coordination, his skills in motivating his subordinates towards the achievement of objectives, and his proficiency in one or more common European languages. Furthermore, any publications on issues relevant to the operation or activities of the public administration, any participation in further training programs and any certificates of postgraduate studies associated with the subject-matters of the service, are also taken into consideration. In the case of parity of qualifications, a candidate from the relevant service will be preferred.
As of five years after the commencement of effect of the present Code, the proficiency in no less than one foreign language will consist a prerequisite for a promotion to the rank of General Director.

Article 84

Heads of Units

1. Civil servants with the rank of General Director are placed as heads of General Directions.

2. Civil servants with the rank of Director are placed as heads of Directions, Sub-Directions or units of a corresponding level.
3. Rank A civil servants are selected by the service council for a period of three years as heads of departments and independent offices or units of a corresponding level. If no rank A civil servants exist, or if the number thereof does not suffice, rank B civil servants who have completed per category a minimum service in rank B of five (5) years in the case of the US category, six (6) years in the case of the TS category and seven (7) years in the SE category. If no civil servants satisfy the above-mentioned conditions, Rank B civil servants with less years of service will be selected.
4. The head of a non-independent office or non-independent unit of a corresponding level will be appointed by the head of the immediately superior unit, among his subordinate civil servants, without need for the service council to proceed to an appointment, according to the conditions of para.3 of the present Article.
5. The branches out of which the unit heads are selected are determined in the service regulations, depending on the subject-matter of the specific unit and the specialization of the branch.

Article 85

Selection of Department and Independent Office Heads

1. The selection of the heads of departments and independent offices or other units of a corresponding level takes place by decision of the service council, on the basis of the criteria of Article 83. The selection takes place at the latest within one (1) month from the expiration of the term of office. The conditions of Article 84 para.3 must concur at the latest on the day following the date of expiration of the head's term of office.
2. The number of reviewed civil servants must be at least double the number of the vacancies to be covered, in order for heads of departments and independent offices or other units of a corresponding level to be selected. If that number is not filled by civil servants meeting the necessary pre-requisites, the list of civil servants under review will be supplemented with civil servants with a shorter period of service at rank A. When only one civil servant serves in the previous head's branch, then he will be individually reviewed by the service council.
3. A declaration in writing submitted by the civil servant, that he does not wish to be reviewed for the selection of a head of a department and independent office or other unit of a corresponding level, will be assessed by the service council on the basis of the service needs.
4. If the post of a head of a department or independent office or unit of a corresponding level should be vacated or established prior to the expiration of the three-year period, the service council selects a new head for the remainder of the term of office. The selection of heads for vacated or established posts takes place at the latest within one (1) month from the date of the vacation or establishment thereof. If the period of time remaining until the completion of the three years is less than six (6) months, no head is selected, instead Article 97 is applied. The selection pursuant to the provisions of this paragraph requires an application to be submitted by the interested civil servant to the relevant service, at the latest within fifteen (15) days from the date he took knowledge, care of the personnel service. The service council, with a specifically reasoned decision, may also select as head a civil servant who has not submitted an application, particularly if he is currently serving at the place where he will perform his duties as head.

5. Those selected are placed in units of á corresponding level, by decision of the competent body, and continue to perform their duties even after the end of their term of office, until á new head is placed.
6. By decision of the service council, the head of a department or independent office or unit of a corresponding level may be relieved of his duties even prior to the expiration of the three-year period, for serious reasons involving the inefficient performance of his official duties, such as the avoidance of the assumption of responsibilities and his reduced quantitative and quantitative performance. The service council may also, considering the service needs, relieve the head of his duties upon his own request. In this case, the resigning civil servant, by way of a request submitted either prior to the assumption of his duties as head or within six (6) months from that date, is deprived of his right to be selected as unit head for a three-year period.
7. When the relevant regulation provisions allow the placement of a head from an ensuing category in the order of priority, the categories' order of priority ceases to apply.
8. Civil servants who have been selected twice (2 times) as heads of a department, independent office or unit of a corresponding level and have performed these duties for two (2) three-year periods, will continue to perform the duties of a head of a unit of a corresponding level without need for a new review on the part of the service council, unless the latter decides differently upon the service's proposal, by way of a reasoned decision.

Article 86

Lists of Civil Servants

1. Each year in January the competent service draws up lists, registering all the civil servants per category, ran, branch and specialization, on the basis of the period of service in each rank. These lists are drawn up on the basis of the available information as of December 31 of the previous year and include particulars indicating each civil servant's age, total service, pay bracket and certificates of studies.
2. The notification of said lists to the civil servants is compulsory and takes place during the first ten days of February each year. The information in the lists may be corrected by the service upon the civil servant's request, submitted within a ten-day time limit from the date of notification.
If the service should dismiss the request or fail to respond within ten (10) days of the submission thereof, a correction request may be submitted to the service council within ten (10) days from the expiration of the above-mentioned ten-day time limit or from the date of notification of the service's dismissal of the request, whichever is earlier. The service council decides within one (1) month from the date of submission of the correction request.

Article 87

Lists of Promotees

The service council draws up, on the basis of the lists of Article 86, separate lists per rank, branch or/and specialization, towards the implementation of the provisions of Article 82, as follows:

- a) Lists of civil servants to be promoted to uniform ranks:
Civil servants completing at the latest by April 30 of the following year the required period of service for their promotion to the next uniform rank of service, are reviewed for registration in these lists.
- b) Lists of civil servants to be promoted to the rank of Director:

Civil servants completing at the latest by April 30 of the following year the required period of service and performance of the relevant duties as heads of a department for their promotion to the rank of Director, provided that as of April of the year these lists are drawn up they satisfy the required remaining formal qualifications for promotion. The order of registration in these lists is determined by the service council, on the basis of the information indicated in Article 83. A civil servant's statement in writing that he does not wish to be included in the promotion lists of this paragraph will be considered by the service council, on the basis of the needs of the service.

If the regulation provisions provide for promotion to the same rank of civil servants from more than one branches, these lists will include the civil servants of these branches.

c) No lists are drawn up for the promotion to the rank of General Director.

d) Lists of civil servants who are not to be promoted:

These lists include the civil servants who do not qualify for promotion. The civil servants who do not fulfill the material prerequisites in order to perform the superior rank's duties are characterized as such, by specifically reasoned decision of the service council, on the basis of facts.

Article 88

Time of Service not Counted towards Promotion

The following periods are not included in the time of service required for promotion:

a) the period of temporary cessation of service, b) the period of suspension, which was either the consequence of either criminal proceedings which resulted to some conviction or disciplinary proceedings which resulted to a disciplinary sanction of no less than a fine corresponding to the salaries of three months, c) the period of unjustified abstention from the civil servant's duties, d) the period of the civil servant's temporary dismissal, and e) the period of the civil servant's stoppage of performance of his duties, pursuant to Article 104.

Article 89

Legitimacy Control and Effect of the Lists of Promotees

1. The lists of promotees drawn up according to Article 87, are submitted for ratification within ten (10) days to the competent minister or to the supreme administration body of the legal person of public law. The competent body only controls the legitimacy of the preparation procedure of the lists, and if a violation of the relevant provisions is established, sends back the lists to the service council, which is required to decide within ten (10) days.

2. The lists drawn up according to the above are final, and are announced to the competent services.

The lists of promotees come into effect on May 1 of the year they are drawn up, irrespective of the date of finalization thereof, and expire at the end of April of the following year.

3. Civil servants whose names are included in the lists of promotees to the uniform ranks are promoted within one (1) months from the date of ratification of the lists or from the date they complete the time of service required for their promotion. The civil servants' promotion act has a retrospective effect, as of the date each civil servant completed the required period of service in order to be promoted to the next rank; however never prior to the coming in effect of the relevant list of promotees.

4. Civil servants whose names are included in the lists of promotees to the rank of Director are promoted according to the order of registration thereof in the relevant lists, within one (1) month from the date of ratification of the lists or the date on which a relevant posts becomes vacant. Civil servants who have not completed the required period of service for promotion will be omitted from the promotion procedure. In any case, a number of posts equal to that necessary for the promotion of the omitted civil servants will remain vacant.

Article 90

Special Cases of Registration in Lists of Promotees

Civil servants who are reassigned or classified, pursuant to the provisions of Articles 69, 70, 72 and 98, after the ratification of the lists of promotees, will be reviewed by the service council and registered in the relevant lists of promotees, according to Article 87 of the present Code.

Article 91

Non-Registration in the List of Promotees

1. The service council may, by reasoned decision, refrain from registering a civil servant in the list of promotees, when there are criminal or disciplinary charges pending against him.
2. When the charges are proven unfounded, the civil servant, if the review had either been adjourned or taken place under the burden of pendency, is again reviewed by the service council within one (1) month from the date of notification of the final acquitting judgment to the competent service, and is registered on the basis of his qualifications in the relevant lists, according to the order of registration set forth in Article 87 of the present Code.
3. The above-mentioned, when registered in the lists of promotees as meriting promotion, will be promoted with retrospective effect irrespective of any vacancies. If no vacant posts exist, they will occupy the first posts to become vacant.

Article 92

Deletion from the List of Promotees

1. The service council may, by reasoned decision, delete the name of a civil servant from a list of promotees, during the period of effect thereof, as a result of a final criminal conviction for no less than a misdemeanour or the imposition of a disciplinary sanction of a fine exceeding one month's salary. The civil servant whose name is deleted may be registered in the list of civil servants who are not to be promoted.
2. If the disciplinary sanction or criminal conviction should be finally reversed, the provisions of Article 91 para.3 will apply by analogy.

Article 93

Omission from Promotion

1. The service council may, by reasoned decision, omit from the promotions a civil servant whose name is included in the list of promotees, if at the time of the promotion there are criminal or disciplinary charges pending against that civil servant. The posts to which the civil servants would be promoted will remain vacant until the expiration of the effect of the relevant lists.
2. If the omission should be decided, the provisions of Article 91 para.2 and 3 will apply by analogy.

Article 94**Reference of a Civil Servant not to be Promoted**

A civil servant who is registered twice in two consecutive periods in the list of civil servants of the same rank not to be promoted, will be referred for review to the service council within two (2) months from the date of ratification of the relevant list and the council, by reasoned decision and after previously inviting the civil servant to offer in writing or orally the necessary clarifications, may proceed to his dismissal or demotion by one rank. Recourse against this decision may be sought before the second instance service council.

Article 95**Honorary Title Award**

1. Civil servants retiring honourably from the service after thirty-five (35) years of actual civil service will be awarded an honorary title of the rank and post they hold. The service may also award an honorary title to a servant retiring after thirty (30) years of service. The honorary title is not awarded to a civil servant who has forfeited his office or has been punished with the penalty of final dismissal or has been punished with the penalty of demotion or deprivation of the right to promotion within the last ten-year period prior to his retirement.
2. The award of the honorary title is mentioned in the act terminating the employment contract and included in the text published in the Official Gazette of the Hellenic Republic.

Article 96**Order of Priority**

The order of priority among civil servants is determined as follows:

- a) Among civil servants belonging to different categories, those of the SP category have priority, followed in order of priority by the civil servants of the US, TS, SE and CE categories.
- b) Among civil servants belonging to the same category, those of a higher rank on the basis of the rank hierarchy of Article 79, will have priority.
- c) There is no priority among civil servants of the same branch and rank.

Article 97**Replacement of Heads of Units**

1. A head of a unit, who is absent or unable to perform his duties, is replaced by the head with the senior rank among the heads of the subordinate units, or in the case of heads holding the same rank, the head having performed longer the relevant duties, provided he belongs to a branch where the civil servants may act as heads pursuant to the relevant regulation provisions.
The body responsible for the placement of heads of units may, in compliance with the order of priority of ranks, decide on one of the heads of the subordinate units as substitute of a unit head, who is absent or unable to perform his duties.
2. If no subordinate units exist, the head is replaced in his duties by the civil servant serving in the same unit and holding the senior rank among the other servants, provided he belongs to a branch where the civil servants may act as heads pursuant to the relevant regulation provisions. If there are more than one civil servants with the same rank in the unit, the one with the longer period of service in the rank or the one appointed by the head of the immediately superior unit or authority will act as substitute.

3. The body responsible for the appointment may decide on the head of another unit of the same level to act as substitute.
4. When the head of a department or independent office or unit of a corresponding level is legitimately absent from his duties for a period of more than six (6) months, a temporary head will be selected according to the provisions of Article 85 para.4.
5. If the post of a unit head is vacated or established, the provisions of para.1 will apply until a new head is placed.
The substitute of a unit head according to the present paragraph is entitled to the allowance set forth for this post, as of the commencement of the replacement.

Article 98
Admission

1. Civil servants who have completed a period of actual service prior to their appointment will be admitted upon succeeding permanency up to the immediately superior rank, depending on their total period of previous service, upon the service council's decision.
2. Any period of service spent in the civil service, in a legal person of public law or a local government agency on a public or private law contract will be deemed to consist actual service, as well as any other service, which is recognized as actual service for the purposes of rank advancement.
3. The prior service on a public or private law contract in the civil services of the Republic of Cyprus are taken into consideration towards admission.
4. Only the period of service prior to the appointment with the formal qualifications of the category to which the civil servant belongs at the time of the admission will be taken into consideration.
5. Any excess period of service after the civil servant's admission, according to para.1 of the present Article, will not be taken into consideration.

CHAPTER E

TEMPORARY CESSATION OF SERVICE

Article 99

Placing in a State of Temporary Cessation of Service

1. A civil servant is placed in a state of temporary cessation of service due to sickness or because his post is cancelled, according to the provisions of the following articles.
2. The act ordering the temporary cessation of service and the act of reinstatement to service are issued by the competent body responsible for the civil servant's appointment, upon the service council's decision.
3. During the period of the temporary cessation of service civil servants cease to perform both their principal and incidental duties.

Article 100

Temporary Cessation of Service due to Sickness

1. A civil servant is placed in a state of temporary cessation of service due to sickness, either ex officio or upon his own request, upon the service council's decision, when the sickness is extended beyond the maximum period of convalescence leave of Article 54 and still, according to the health committee's assessment, is curable.
2. The temporary cessation of service commences as of the expiration of the convalescence leave and cannot exceed a period of one (1) year or two (2) years in the

case of hard to cure diseases. The competent body to issue this act is the minister or the supreme one-member administration body of the legal person of public law, or in the absence thereof, the chairman of the collective administration body of the legal person of public law.

3. During the last fortnight prior to the expiration of the maximum period of temporary cessation of service, the committees of Article 166 are required to give an opinion as to the civil servant's fitness to assume immediately his duties. Should a negative opinion be issued by the committee, the civil servant must be dismissed after the expiration of the temporary cessation of service, according to Article 154. The civil servant may be referred for examination to the competent health committee, either upon his request or ex officio, even before the expiration of the period of the temporary cessation of service. In this case, if the committee's opinion is negative, the civil servant must be dismissed after the expiration of the temporary cessation of service.
4. The provisions of Articles 31-35 of the present Code also apply to civil servants placed in temporary cessation of service due to sickness.

Article 101

Temporary Cessation of Service due to Cancelling of Post

1. A civil servant whose post is cancelled is placed in a state of temporary cessation of service, by decision of the service council, if he is not reassigned according to Article 155 para.4 hereinafter.
2. The temporary cessation of service lasts one (1) year, after the expiration of which the civil servant is dismissed.
3. The civil servant is entitled to the salary of Article 102 during the period of the temporary cessation of service and for year after the expiration thereof.

Article 102

Salary during the Temporary Cessation of Service

1. The civil servant is entitled to three quarters of his salary during the period of the temporary cessation of service.
2. Sickness allowances paid to civil servants of legal persons of public law during the period of the temporary cessation of service will be deducted from the civil servants' salary, if their insurance is also based on the legal person's contribution.

CHAPTER F

SUSPENSION - STOPPAGE OF PERFORMANCE OF DUTIES

Article 103

Ipsa Jure Placement in Suspension

1. A civil servant who has been deprived of his personal freedom pursuant to a writ of detention or court decision, even if released on bond, will be placed ipso jure in suspension.
2. A civil servant who has been imposed the sanction of final dismissal will be placed ipso jure in suspension. The suspension will commence as of the notification of the disciplinary decision and will end on the last day of the time limit allowed for the exercise of recourse before the Council of State, or the date of pronouncement of the decision of the Council of State, when recourse has been exercised.

3. The civil servant will be ipso jure reinstated to his duties, if the reason for which he had been placed in suspension ceases.

Article 104

Potential Placement in Suspension- Stoppage of Performance of Duties

1. A civil servant against whom: a) criminal proceedings have been initiated for an offence which may result to forfeiture of office, and if, in the case of the offence of breach of duty, he has been indicted to stand trial, b) disciplinary proceedings have been initiated for a breach of discipline which may result to final dismissal, and c) there are reasonable suspicions that he may have been involved in mismanagement, on the basis of the supervising authority's or the competent inspector's report, may be placed in suspension.
2. In very urgent cases, when the interests of the service are at stake, and prior to the ruling of the service council, the measure of the stoppage of the performance of the relevant duties may be imposed on the civil servant by the head of the authority where he is serving. The service council meets within fifteen (15) days and decides as to the civil servant's suspension. The stoppage of the performance of the civil servant's duties is ipso jure lifted; if the service council fails to decide on the suspension within the above-mentioned time limit.
3. The act for which the civil servant is potentially placed in suspension or reinstated to his duties is issued upon the service council's decision. In order for the civil servant to be suspended, a hearing must take place first. The competent body to issue this act is the minister or the supreme one-member administration body of the legal person of public law or, in the absence thereof, the chairman of the collective administration body of the legal person of public law.
4. After one year has lapsed from the date of suspension, the service council as required to decide on whether the suspension will continue or not.
5. The suspension commences as of the notification of the relevant act. The civil servant is reinstated to his duties as of the notification of the reinstatement act or ipso jure as of the date the criminal decision, which does not result to forfeiture, or the disciplinary decision, which does not result to the sanction of final dismissal, becomes final.

Article 105

Consequences of Suspension

1. A civil servant in suspension will refrain from exercising his main and incidental duties.
2. A civil servant in suspension will be paid half his salary. The balance, or part thereof, may be paid to him upon a specifically reasoned decision of the service council, after he is exonerated by final court decision or punished with a disciplinary sanction which is lighter than his final dismissal. If the civil servant is discharged from all disciplinary responsibilities or if the suspicion of mismanagement proves unsubstantiated, the withheld part of his salary will be paid to him.
3. A civil servant who has been imposed the disciplinary sanction of final dismissal for the offence of the unjustified abstinence from the performance of his duties is not entitled to suspension salary.
4. The provisions of Articles 31-35 of the present Code will also apply during the suspension.

PART E
DISCIPLINARY LAW
SECTION A
DISCIPLINARY BREACHES AND SANCTIONS
CHAPTER A
DISCIPLINARY BREACHES AND BASIC PRINCIPLES

Article 106
Definition of Disciplinary Breach

1. Every violation of the official duties culpably committed by act or omission and attributable to the civil servant consists a disciplinary breach.
2. The official duties are determined both by both the obligations imposed on the civil servant by the provisions, commands and guidelines in effect, and the civil servant's conduct even when out of duty, so as not to impair the authority of his service.
3. The official duties, according to the preceding paragraph, do not under any circumstances impose on the civil servant an act or omission contrary to the provisions of the Constitution and the laws.

Article 107
Disciplinary Breaches

1. The following, particular, are disciplinary breaches:
 - a) Acts through which the refusal to recognize the Constitution or lack of allegiance to the Fatherland and the Democracy are demonstrated,
 - b) Breach of duty, pursuant to the Criminal Law or other special criminal statutes,
 - c) Violation of the principle of impartiality,
 - d) The unjustified abstention from the performance of the civil servant's duties,
 - e) Refusal or protraction in the performance of duties,
 - f) Negligence, as well as any incomplete or untimely performance of duties,
 - g) Violation of the confidentiality obligation, subject to the provisions of Article 26,
 - h) Public criticism of the supervising authority's acts, either in writing or orally, with the intentional use of manifestly inaccurate information or obviously inappropriate expressions,
 - i) Performance of work or a project for pay, without the service's prior permission,
 - j) Unjustified refusal to appear for medical examination,
 - k) Unjustified failure to draw up an assessment report in time or drawing up a biased assessment report,
 - l) Improper conduct towards the citizens, unjustified refusal to serve them and failure to process their cases in a timely manner,
 - m) Unjustified failure to respond to citizens' reports in a timely manner,
 - n) Unjustified preference of fresher cases over older ones,
 - o) Direct participation or participation through a third person in an auction conducted by a committee, in which the civil servant or his authority participates,
 - p) Use of a civil servant's capacity as such or use of information held by the civil servant due to his service or post, towards private interests of his own or third persons,

- q) Acceptance of any material favour or consideration coming from a person whose cases the civil servant is handling or is going to handle during the performance of his official duties,
 - r) Use of third parties towards an official favour or towards the causing or cancellation of an official order,
 - s) Conclusion of close social relations with persons whose material interests are dependent on the management of issues falling under the civil servant's competence,
 - t) Wear due to unusual use, abandonment and unlawful use of an item belonging to the service,
 - u) Failure to prosecute and punish a disciplinary breach, subject to the provisions of Article 1 10 para.2.
2. Any provisions setting forth special disciplinary breaches will remain in effect.

Article 108

Implementation of Criminal Law Rules and Principles

1. Criminal law and criminal procedure rules and principles will apply by analogy to disciplinary law, provided they are not contrary to the regulations of the present Code and conform to the nature and object of the disciplinary procedure.
2. In particular, the rules and principles referring to the following will apply:
 - a) The grounds for exclusion of culpability and imputability,
 - b) Any mitigating or aggravating circumstances towards the determination of the disciplinary sanction,
 - c) The repentance in deed,
 - d) The right to silence of the person against whom disciplinary proceedings have been initiated,
 - e) Error of facts and error of law,
 - f) The presumption of innocence of the person against whom disciplinary proceedings have been initiated,
 - g) The clemency in favour of the person against whom disciplinary proceedings have been initiated,
 - h) The protection of justified interests as a cause lifting the disciplinary character of bad judgments, expressions and displays, unless they consist the disciplinary breach of the typically improper conduct.

CHAPTER B

DISCIPLINARY SANCTIONS

Article 109

Disciplinary Sanctions

1. The disciplinary sanctions imposed on civil servants are:
 - a) Reprimand in writing,
 - b) A fine of up to three (3) months of salaries,
 - c) The deprivation of the civil servant's right to promotion from one (1) to five (5) years,
 - d) Demotion by one rank,
 - e) Temporary dismissal for a period from three (3) to six (6) months, with full deprivation of the civil servant's salary, and
 - f) Final dismissal.

2. The sanction of the final dismissal may only be imposed for the following breaches:
 - a) Violation of Article 107 para.1(a) of the present Chapter,
 - b) Breach of duty, pursuant to the Criminal Law or other special statutes,
 - c) Acceptance of any material favour or consideration coming from a person whose cases the civil servant is handling or is going to handle during the performance of his official duties,
 - d) Conduct, which is typically indecent or improper for a civil servant either on duty or out of duty,
 - e) Violation of official secrets, according to the provisions in effect,
 - f) Unjustified abstention from the performance of the official duties for a period of over twenty-two (22) consecutive days or over thirty (30) days within one (1) year.
 - g) Extremely grave insubordination,
 - h) Direct participation or participation through a third person in an auction conducted by a committee, in which the civil servant or his authority participates,
 - i) Persistent refusal to appear for examination by a health committee, according to Article 56 para.8.
3. The penalty of final dismissal may be imposed on the civil servant for any breach, if:
 - a) during the two-year period preceding the perpetration of such breach the same civil servant had been punished with no less than three (3) disciplinary sanctions exceeding a fine of one month's salary, or
 - b) during the year preceding the perpetration of such breach the same civil servant had been punished for the same breach with a sanction exceeding a fine of one month's salary.

CHAPTER C

PROCEEDINGS AGAINST DISCIPLINARY BREACHES

Article 110

Proceedings against Disciplinary Breaches

1. The proceedings against, and punishment of disciplinary breaches are the duty of the disciplinary organs. Any breach of this duty consists the disciplinary breach of Article 107 para.1.
2. Exceptionally, for breaches which would be punished with the sanction of reprimand in writing, the proceedings fall within the sphere of the disciplinary organs' discretionary power, which are required to consider on the one part the interest of the service and on the other part the conditions under which the breaches were perpetrated and the general conduct of the civil servant in the performance of his duties. If the disciplinary organ decides not to institute proceedings, it must inform, by way of a reasoned report, its directly superior in the disciplinary hierarchy.
3. No civil servant may be prosecuted twice for the same disciplinary breach.
4. A civil servant's advancement in rank or pay will not rescind the disciplinarily punishable character of a breach perpetrated prior to this advancement.
5. Acts perpetrated by a civil servant during the period of a prior service in a civil service, local government agency or other legal person of the public sector are subject to disciplinary punishment if they are classified under one of the cases of Article 109 para.2 and they have not been time-barred.

Article 111

Relation between Disciplinary Breach and Sanction

1. For each disciplinary breach only one sanction will be imposed. The same disciplinary decision will impose only one sanction on each civil servant.

2. If the disciplinary organ is dealing with more than one disciplinary breaches, the disciplinary decision will impose only one sanction on each civil servant. For the determination of this sanction, the counts and gravity of all the breaches are taken into consideration.
3. The rules and principles of cases b, c, e, g and h of Article 108 para.2 are taken into consideration towards the determination of the disciplinary sanctions. Recidivism is particularly aggravating for the determination of the sanction.

Article 112

Limitation of Disciplinary Breaches

1. Disciplinary breaches are time-barred after a period of two (2) years from the date of perpetration thereof. The disciplinary breaches or Article 109 para.2 are time-barred after a period of five (5) years.
2. A disciplinary breach, which is also a criminal offence, will not be time-barred prior to the limitation of the criminal offence. In regard with these breaches, the acts of the criminal procedure will result to the suspension of the limitation of the disciplinary breach.
3. A summoning to a plea or reference to the service council will result to the suspension of the limitation. In these cases, the total period of limitation up to the issue of the first instance disciplinary decision may not be more than three (3) years, and in the case of the breaches of Article 109 para.2, seven (7) years.
4. The limitation of the disciplinary breach is also suspended as a result of the perpetration of a fresh disciplinary breach, aiming to the concealment or obstruction of the disciplinary proceedings against the first breach. In this case, the first breach will be time-barred when the second is, provided the limitation of the second will occur at a later time than the limitation of the first breach.
5. The disciplinary breach for which a first instance disciplinary decision has been issued imposing a disciplinary sanction will not be time-barred.

Article 113

Termination of Disciplinary Responsibility

A civil servant who has lost his capacity as such in any manner whatsoever, will not be subject to disciplinary proceedings, however any disciplinary proceedings already instituted will continue after the termination of the service contract, with the exception of the case of death. Any convicting decision issued in this case will remain unenforceable.

Article 114

Relation of Disciplinary Proceedings to Criminal Proceedings

1. The disciplinary proceedings are separate and independent of the criminal or other proceedings.
2. The criminal proceedings will not suspend the disciplinary proceedings. However, the disciplinary organ may order, by way of a decision, which is freely revocable, the suspension of the disciplinary proceedings for exceptional reasons, which suspension may not exceed one (1) year in length. No suspension is permissible when the disciplinary breach has caused á public scandal or seriously impairs the authority of the service.
3. The disciplinary organ is bound by the judgment contained in the irrevocable decision of a criminal court or an irrevocable order of dismissal, only as to the concurrence or absence of facts creating the objective essence of a disciplinary breach.

4. If after the issue of a disciplinary decision exonerating the civil servant or imposing a sanction lower than the civil servant's final dismissal, an irrevocable convicting decision is issued by a criminal court, establishing facts which create the objective essence of a breach, which justifies pursuant to Article 109 para.2 the disciplinary sanction of final dismissal, the disciplinary proceedings will be repeated according to the procedure of Article 143. The disciplinary proceedings will be also repeated if after the issue of a convicting disciplinary decision, imposing any sanction, an irrevocable criminal decision exonerating the civil servant or if an irrevocable order of dismissal is issued in regard with the act or omission for which disciplinary proceedings were instituted against the civil servant.
5. The disciplinary proceedings may also be repeated when a convicting disciplinary decision has been issued, without taking into consideration a prior criminal decision.
6. The public prosecutor of the first instance criminal court is required to announce immediately to the supervising authority of a civil servant the institution of any criminal proceedings against him. The competent public prosecutor also announces to the same authority the decision or order terminating the proceedings. In the case of imprisonment in a correctional institute, the prison warden will notify, without delay, the civil servant's supervising authority.

Article 115

Independently Punishable Character of the Disciplinary Breach

1. In the case of the reinstatement, pardon or revocation of the punishable character of the act in any manner whatsoever, or in the case of the modification of the consequences of the criminal conviction, the punishable character of the act as a disciplinary breach will not be suspended.
2. In the case of the revocation of the consequences of the criminal conviction, pursuant to Article 47 of the Constitution, the punishable character of the act as a disciplinary breach will also be revoked.

CHAPTER D

DISCIPLINARY ORGANS

Article 116

Disciplinary Organs

The following exercise disciplinary power on civil servants: a) their superiors in the disciplinary hierarchy, b) the board of directors of a legal person of public law in regard with that legal person's employees, c) the service councils, and d) the Council of State.

Article 117

Superiors in the Disciplinary Hierarchy

1. The following are the superiors in the disciplinary hierarchy of civil servants in the central and regional services belonging to their authority:
 - a) The minister,
 - b) The general secretary or a ministry or general secretariat,
 - c) The general secretary of an independent service,
 - d) The general secretary of a region,
 - e) The special secretary,
 - f) The general director,
 - g) The director.

2. Furthermore, the following are the superiors of civil servants in their disciplinary hierarchy:
 - a) The commander-in-chief of the armed forces and the chiefs of the army, navy and air force, the security corps and the port police in regard with the civil servants of the services subject to them,
 - b) The commanding officers of units and schools of the armed forces, security corps and the port police,
 - c) The directors of establishments or heads of services, if they are high-ranking officers, in regard with the civil servants of the services subject to them,
 - d) The Governor of Mount Athos in regard with all the civil servants subject to his authority,
- e) The head of independent administrative authority.
3. The following are the hierarchically superiors of civil servants of legal persons of public law:
 - a) The administrator or chairman of the collective organ exercising administration, the deputy director, the general secretary or deputy general secretary in regard with all the employees of the legal person,
 - b) The Chairman of the Academy of Athens in regard with all the personnel thereof,
 - c) The Dean of a University in regard with all the educational institute's personnel, the faculty rector, the department chairman and the sector head in regard with all the personnel answerable to them,
 - d) The chairman and deputy chairman of a Technological Educational Institute (T.E.I.) in regard with all the institute's personnel, the faculty director and the department head in regard with all the personnel answerable to them,
 - e) The general director or director in regard with the civil servants answerable to them.
4. All the supervisor's capacity as a civil servant elected to a term of office or a recallable civil servant will not impede the exercise of disciplinary power by him.

Article 118

Competence of Superiors in the Disciplinary Hierarchy

1. All the superiors in the disciplinary hierarchy may impose the sanction of reprimand. The following may impose the sanction of a fine, under the corresponding distinctions:
 - a) The minister, up to one month's salary,
 - b) The general secretary of a ministry or general secretariat or independent service, the general secretary of a region the special secretary of a ministry and the commander-in-chief of the armed forces and the chiefs of the army, navy and air force, the security corps and the port policy, up to two thirds of the amount of the monthly salary,
 - c) The commanding officers of units and schools of the armed forces, security corps and the port police, the directors of establishments and heads of military services or security corps services or services of the port police, if they are high-ranking officers, up to half the amount of the monthly salary, or if they are superior officers, up to one third of the amount of the monthly salary,
 - d) The governor of Mount Athos, the head of an independent administrative authority, the administrator or chairman of a collective organ, exercising administration, the deputy director, general secretary or deputy general secretary of a legal person up to half the amount of the monthly salary,

- e) A University dean and a TEI chairman, up to two thirds of the monthly salary. A University faculty rector, department chairman and sector director, a TEI deputy chairman, director of branch up to half the amount of the monthly salary, a TEI faculty director and TEI department head up to one fourth of the monthly salary,
 - f) The general director up to half the monthly salary,
2. The competency of the superiors in the disciplinary hierarchy is not transferable, unless otherwise provided by a legal provision.
 3. A civil servant's competent superior in the disciplinary hierarchy is the superior to whom he is subject, under any official relation or status whatsoever, at the time of the perpetration of the breach.
 4. A civil servant's superiors in the disciplinary hierarchy and the board of directors of a legal person of public law may deal with a breach ex officio.
 5. If a breach is dealt with by more than one superiors in the disciplinary hierarchy, the disciplinary procedure will be continued only by the superior first summoning the civil servant to make his plea. The highest-ranking superior in the disciplinary hierarchy or the board of directors of a legal person of public law are entitled, in any case, to request the reference of the disciplinary case to them, provided no disciplinary decision has been issued.
 6. If the superior in the disciplinary hierarchy, who has dealt with the breach, finds that the breach is punishable with a sanction exceeding his own competence, he will refer the case to any higher-ranking superior in the disciplinary hierarchy, up to the minister or the board of directors of the legal person of public law, if the civil servant involved is the legal person's employee. If the minister or the board of directors of a legal person of public law should find that the proper sanction also exceeds their own competence, the issue is referred to the service council.

Article 119

Competence of the Boards of Directors of Legal Persons of public law

The boards of directors of legal persons of public law may impose the sanctions of reprimand and fine up to one month's salary.

Article 120

Competence of Service Councils

1. The first instance service councils may impose any disciplinary sanction. The first instance service councils judge in the first instance, after the case has been referred to them, and in the second instance, after an appeal has been filed against the decisions of superiors in the disciplinary hierarchy.
The second instance service councils rule in the second instance, after an objection has been filed against the decisions of the first instance service councils and in the first instance when examining the breach of the last section of Article 123.
2. Competent service council is the one to which the civil servant is subject, under any official relation or status whatsoever, at the time of perpetration of the breach.
3. Conflicts of competence between more than one service councils in regard with the examination of the same breach will be raised by the chairman of the Legal Council of State. Affirmative conflicts may be raised, when no final decision has been issued by any one of the councils dealing with the case. Negative conflicts may be raised, when the decisions of no less than two councils declared lacking in competence are final. A request by the service or the civil servant is required towards the raising of the conflict.

In the case of an affirmative conflict, a request may also be submitted by the chairman of one of the councils having dealt with the case.

Article 121 Council of State

Permanent civil servants have the right to seek recourse before the Council of State against the decisions:

- a) Of the minister, the head of an independent administrative authority, the governor of Mount Athos, and the administrator or chairman of a collective organ, exercising the administration of a legal person of public law, imposing any sanction,
- b) Of the second instance service councils, imposing the disciplinary sanctions of a fine to the amount of one month's salary or over, the deprivation of the right to promotion, demotion and temporary or final dismissal, and
- c) Of the collective organs of Article 119.

Article 122 Joint Judgment of Disciplinary Breaches

1. More than one disciplinary breaches perpetrated by the same civil servant may be jointly judged, at the disciplinary organ's discretion, provided they refer to the service duties of the same ministry or legal person of public law.
2. More than one civil servants prosecuted for the same or similar disciplinary breaches may be jointly judged, provided the conditions of the preceding paragraph are met.
3. If in the cases of paragraphs 1 and 2 the disciplinary organs competent for dealing with the cases are different, the competent organ to render judgment will be:
 - a) The highest ranking among more than one superiors in the disciplinary hierarchy, and in the case of parity of rank, the superior first having dealt with the case,
 - b) The service council first having dealt with the case among more than one service councils,
 - c) The service council, when both a superior in the disciplinary hierarchy and a service council are competent.

SECTION B

DISCIPLINARY PROCEDURE

CHAPTER A

INSTITUTION OF DISCIPLINARY PROCEEDINGS

Article 123 Institution of Disciplinary Proceedings

Disciplinary proceedings are instituted either by the summoning of the civil servant to a plea by the single-member disciplinary organ or by his reference to the service council. The disciplinary procedure is concluded before the single-member disciplinary organ within a three-month period and before the service council within a six-month period from the institution of disciplinary proceedings.

The culpable violation of the provision of the preceding section consists a disciplinary breach. This breach, for the members of the service council, is examined upon a reference to the second instance service council.

Article 124**Reference to the Service Council**

1. If the minister should find that the disciplinary breach is punishable with a sanction exceeding his competence, the case will be referred to the service council. For civil servants of legal persons of public law, the disciplinary case is referred for the same reason to the service council by the legal person's board of directors. The reference is compulsory when there is a reasoned proposal submitted by a competent service.
2. The minister or the general secretary of a region, when taking knowledge of a disciplinary breach perpetrated by an employee of a legal person of public law, will remit the case before the competent service council in order for disciplinary control to be exercised.
3. No reference may be made to the service council after the issue of a final decision for the same breach by any disciplinary organ.

Article 125**Reference Procedure and Consequences**

1. The document whereby the case is referred to the service council according to Article 124 hereinabove must identify accurately, indicating the relevant place and time, the facts consisting the disciplinary breach and the prosecuted civil servant.
2. The reference document is notified to the prosecuted civil servant and forwarded with the case file to the service council. Any omission to notify the reference document will result to the nullity of the disciplinary proceedings, unless the prosecuted civil servant can be proven to have taken otherwise full knowledge thereof.
3. The issue of the reference document terminates any disciplinary proceedings pending before another disciplinary organ.
4. The reference document may not be revoked.

CHAPTER B**PRELIMINARY INVESTIGATION - SWORN ADMINISTRATIVE EXAMINATION -
DISCIPLINARY INVESTIGATION****Article 126****Preliminary Investigation**

1. Preliminary investigation is the informal collection and registration of evidence in order for the perpetration of a disciplinary breach and the conditions under which it was perpetrated to be established.
2. Any one of the civil servant's superiors in the disciplinary hierarchy may conduct a preliminary investigation.
3. If the person or persons conducting a preliminary investigation should find, on the basis of the collected evidence, that no disciplinary proceedings may be substantiated, the investigation will be concluded by way of a reasoned report. In this case, a higher-ranking superior in the disciplinary hierarchy is not prohibited from conducting another preliminary investigation. If, on the contrary the person or persons conducting a preliminary investigation should find that a disciplinary breach has been perpetrated, punishable with a sanction falling under their competence, the civil servant is summoned to a plea according to Article 135. If that person or persons should find, either prior to the summoning of the civil servant to a plea or after such plea, that a graver sanction is justified, the case is referred to a higher-ranking superior in the disciplinary hierarchy, according to Article 118 para.6. If, finally, that person or

persons should find that the disciplinary breach is in need of further investigation, a sworn administrative examination is ordered.

Article 127

Sworn Administrative Examination

1. A sworn administrative examination is conducted every time the service has serious suspicions or clear indications that a disciplinary breach has been perpetrated. This examination aims to the collection of evidence towards the establishment of the perpetration of a disciplinary breach and any responsible persons, and the investigation of the conditions under which said breach was perpetrated. A sworn administrative examination does not institute disciplinary proceedings.
2. The sworn administrative examination is ordered by any of the civil servant's superiors in the disciplinary hierarchy and is conducted by a permanent civil servant holding no less than rank A in the same ministry or legal person of public law, and under no circumstances a lower rank than that of the civil servant to whom the act is attributed. If this should be impossible, due to an impediment, the sworn administrative examination may also be conducted by a permanent civil servant holding no less than rank A in another ministry or, in the case of a legal person of public law, in the supervising ministry thereof.
3. The provisions of Articles 131 para.3 and 133 of the present Code apply by analogy to the examination of the civil servant, to whom the perpetration of a disciplinary breach is attributed.
4. The sworn administrative examination is concluded with the submission of a reasoned report by the conducting civil servant. This report is submitted, with all the collected evidence, to the civil servant's superior in the disciplinary hierarchy who ordered the examination. If the report establishes the perpetration of a disciplinary breach by a specific civil servant, his superior in the disciplinary hierarchy is required to initiate disciplinary proceedings.
5. Provisions setting forth the conduct of sworn administrative examinations of any form by special bodies will remain intact.
6. The provisions of Article 128 para.5,6 and 7 and the provisions of Articles 130 and 132 will apply by analogy.

Article 128

Disciplinary Investigation

1. A disciplinary investigation is required in the process of the proceedings before the service council. Exceptionally, no investigation is required in the following cases:
 - a) When the facts creating the objective essence of the disciplinary breach are substantiated by the case file in an undisputable manner,
 - b) When the civil servant confesses in his plea, in a manner not open to dispute, that he did perpetrate the disciplinary breach,
 - c) When the civil servant is arrested in flagrante delicto during the perpetration of the criminal offence, which is also a disciplinary breach,
 - d) When an investigation or preliminary investigation has taken place pursuant to the provisions of the Code of Criminal Procedure for a criminal offence, which is also a disciplinary breach,
 - e) When, prior to the issue of the referral document or the objection, a sworn administrative examination or other sworn examination has taken place, establishing the perpetration of a disciplinary breach by a specific civil servant.

The same applies when the perpetration of a disciplinary breach is evidenced by the report of a court official or other administrative control organ.

2. The disciplinary investigation is conducted by a civil servant who may also be a member of the service council and holds a rank at least equal to that of the prosecuted civil servant.
3. No disciplinary investigation is conducted by: a) the persons against whom the disciplinary breach turned, b) the civil servant's superiors in the disciplinary hierarchy who have issued the disciplinary decision assessed upon an exception, c) the persons having conducted a sworn administrative examination. The prosecuted civil servant is entitled to request in writing, within three days from the date of the summons to his examination, the exemption of the person conducting the investigation. The request must indicate in a clear and specific manner the causes for the exemption and the evidence on which the arguments submitted by the civil servant are based. The service council decides on the exemption request, without the participation of the person whose exemption is requested, who is duly replaced. If the request should be admitted, the investigative acts conducted in the meantime will be declared null and void and repeated afresh.
4. Anyone conducting an investigation is entitled to perform investigative acts outside of his seat. He is also entitled to request the conduct of investigative acts outside his seat by any administrative authority.
5. The disciplinary investigation is confidential.
6. The disciplinary investigation may be extended to the examination of other breaches perpetrated by the same civil servant, provided adequate evidence is collected.
7. A civil servant appointed for that purpose by the person or persons conducting the investigation will act as secretary.

Article 129 **Investigative Acts**

1. The following are investigative acts:
 - a) Inspection,
 - b) Examination of witnesses,
 - c) Expert investigation,
 - d) Examination of the prosecuted civil servant.
2. An issue covered according to the law: a) by official confidentiality, unless the competent authority grants its consent, b) by the legal professional or other confidentiality, may not be the object of an investigative act.
3. A report is drawn up in connection with the investigative act, signed by all assisting parties. If anyone of those parties should be illiterate or refuse to sign, a reference to that effect will be entered in the report.

Article 130 **Inspection**

1. Subject to the provisions of the second section of Article 128 para.4, an inspection is performed personally by the person conducting the disciplinary investigation, in the presence of a secretary.
2. The inspection of public documents or private documents deposited with a public authority is performed in the premises where these documents are kept.
3. Documents held by a private citizen will be delivered to the investigating civil servant and returned after the end of the disciplinary procedure. The investigating civil

servant, upon the private citizen's request, must offer free of charge a receipt and an official copy of the documents received. Documents which are necessary for the processing of their owner's or another person's case of any nature whatsoever, will be announced to the investigating civil servant at the place where they are found.

Article 131
Witnesses

1. Witnesses are examined under oath, according to the provisions of the Code of Criminal Procedure.
2. A witness's failure to appear or refusal to testify without a reasonable cause consists a misdemeanour. The prosecuted civil servant's relation to the witness in direct or collateral line up to the second degree of kinship also consists reasonable cause.
3. The prosecuted civil servant is entitled to request in writing the examination of witnesses during the disciplinary investigation and the sworn administrative examination and up to the conclusion of his examination. The investigating civil servant is required to examine no less than five of the witnesses named by the prosecuted civil servant.

Article 132
Experts

Civil servants, employees of legal persons of public law and local government agencies as well as offices of the armed forces and the security corps and the port police may be appointed as experts. Experts are administered an oath prior to the conduct of the expert investigation, according to the provisions of the Code of Criminal Procedure.

Article 133
Examination of Prosecuted Civil Servant

The prosecuted civil servant must be examined in the process of the disciplinary investigation. The civil servant's examination does not take place under oath and the civil servant may attend with a lawyer. Any failure or refusal of the civil servant to be examined will not impede the progress of the investigation.

Article 134
Post-Investigation Actions

1. The chairman of the service council, upon receiving the reference document, will appoint one of the members of the council as reporter in regard with the disciplinary case and deliver the case file to him.
2. The chairman of the service council, upon receiving the findings of the disciplinary investigation or, if no investigation takes place according to Article 128 para.1, upon finding that the case is ready to be introduced for a hearing, introduces the same before the service council, which is called to decide on whether the civil servant should be summoned to a plea or acquitted without a plea.

CHAPTER C

PLEA

Article 135
Summons to a Plea

1. No disciplinary sanction is imposed unless the civil servant has been previously summoned to a plea. The prosecuted civil servant's examination in the stage of the

sworn administrative examination or disciplinary investigation does not substitute the summons to a plea.

2. The summons to a plea clearly determines the imputed disciplinary breach and fixes a reasonable time limit for the plea. This time limit may not be less than two days, when the civil servant is summoned by his superior in the disciplinary hierarchy and three days, when summoned by a service council. The time limit allowed for the plea may be extended only once, up to three times the initial period, upon the prosecuted civil servant's reasoned request in writing. A plea submitted after the expiration of the time limit must be taken into consideration, provided it is submitted prior to the issue of the decision.

Any omission to summon the prosecuted civil servant to a plea will be covered by the submission of a plea in writing.

3. When, after the prosecuted civil servant is summoned to a plea, the case is referred pursuant to Article 118 para.6 to a higher-ranking superior in the hierarchy or to the organs of Article 119, no new summons to a plea is required.
4. After the summons to a plea, the case is concluded with the issue of a decision.

Article 136 **Plea**

1. The plea is made in writing. Supplementary oral submissions may be made by the prosecuted civil servant before a collective disciplinary organ.
2. The plea is delivered against receipt to the organ summoning to a plea. However, it may also be posted by registered mail or submitted to a public authority for dispatch. In the cases of the preceding section, the timely manner of the submission of the plea will be assessed on the basis of the date of mailing or submission to the public authority.
3. The prosecuted civil servant is entitled to take knowledge of the disciplinary case file prior to the plea. The fact that he has taken knowledge is proven by an act, signed by the civil servant having custody of the file and by the prosecuted civil servant, or only by the former should the latter refuse to sign. If the prosecuted civil servant is not serving at the district of the seat of the organ summoning him to a plea, he will be granted a leave of absence for that purpose.
4. The civil servant is entitled to request in his plea a reasonable time limit in order to produce evidence in writing. The granting of the time limit and the length thereof are left to the discretion of the organ summoning him to a plea.

CHAPTER D

PROCEEDINGS BEFORE THE SERVICE COUNCIL

Article 137

Fixing a Date of Hearing Attendance of Prosecuted Civil Servant

1. After the plea is submitted or after the time limit allowed for the submission thereof expires, the chairman of the service council determines by way of a relevant act a date of hearing for the case. The date, time and place of the hearing are announced in writing to the prosecuted civil servant no less than four days in advance.
2. The prosecuted civil servant is entitled to attend the proceedings before the service councils and the organs of Article 199 either in person or through and with an attorney-at-law. The prosecuted civil servant's failure to appear will not impede the progress of the proceedings.

3. If the service council should find the evidence insufficient, it will adjourn the hearing and order a supplementary investigation.
4. The prosecuted civil servant's service is required to grant him the necessary leave of absence, permitting him to appear before the collective disciplinary organ during the hearing of his case.

Article 138

Impediments and Challenge to Service Council Members

1. Service council members who are not entitled to conduct an investigation according to the provision of Article 128 para.3, or who have conducted a disciplinary investigation in the case under consideration, are impeded from participating in the bench during the examination of this case.
2. The prosecuted civil servant may, by way of a request in writing, request the exemption of service council members, provided a quorum can be established with the remaining members. This request, submitted no less than two days prior to the hearing of the case, must indicate in a clear and specific manner the causes for the exemption and be accompanied by the evidence supporting said causes. The service council will decide in regard with the exemption request, citing its reasoning, with the participation of the legal substitutes of the challenged members. Any exempted members will be replaced by their substitutes. Should both the ordinary and the substitute member be exempted, the council will proceed with the remaining members, provided a quorum can be established. A substitute member may also be challenged on the date of the hearing. In this case, the council will decide immediately on the exemption request and will proceed with the remaining members.
3. In the case of Article 114 para.4, the investigating civil servant or the person participating in the service council in the first proceedings may not participate in the service council.
No more than the required number of ordinary or substitute members for a quorum in the service council may be exempted.

CHAPTER E

GENERAL PROCEDURAL PROVISIONS

Article 139

Notifications to the Prosecuted Civil Servant

The summons to a plea as well as any notice or advise to the prosecuted civil servant will be served by a public officer on the civil servant in person or at the place of his residence on a person living with him. If service is impossible, the document of the summons to a plea will be posted at the premises of the civil servant's service and a protocol will be prepared signed by one witness. A proof of service is drawn up for this service. In the case of a refusal to accept service, the process server will draw up an act, certifying said refusal. If the civil servant is of unknown premises, the document of the summons to a plea will be posted at his service premises and a report will be drawn up to that effect.

Article 140

Assessment of Evidence

1. The disciplinary organ is free to assess the evidence. In order to formulate an opinion, it may take into consideration evidence, which was not produced by the disciplinary proceedings, but by other legal proceedings instead, provided the prosecuted civil servant has taken knowledge thereof.

2. Associated disciplinary breaches, established in the process of the assessment of the evidence, may become the subject-matter of the same disciplinary judgment only if the prosecuted civil servant is summoned to a plea for those breaches as well.
3. The judgment must be founded on proven facts and be specifically reasoned.

Article 141 **Disciplinary Decision**

1. The disciplinary decision is expressed in writing.
2. The decision indicates: a) the place and time of issue thereof, b) the full name, capacity and rank of the single-member disciplinary organ or the members of the collective disciplinary organ, b) the full name, capacity and rank of the person under prosecution, d) the facts and elements creating the objective and subjective essence of the disciplinary breach, specified by place and time, e) the submission or failure to submit a plea, f) the reasoning of the decision, g) the opinion of any dissenting minority in the collective organ, and h) the acquittal of the civil servant or the sanction imposed.

Any omission of the information mentioned in sections a, b and c, with the exception of the full name, will not result to the nullity of the decision, provided that information is present in the case file.

3. The disciplinary decision is signed by the issuing organ. When it is issued by a collective organ, it is signed by the chairman and the secretary thereof.
4. A copy of the disciplinary decision is notified, care of the service, to the civil servant and announced to the organs entitled to file an exception. The notification of the decision to the civil servant is effected according to the provisions of Article 139. The civil servant is also advised of the remedies he may exercise.
5. The disciplinary decision is irrevocable. A disciplinary decision may only be exceptionally revoked in the case of manifest unlawfulness. The disciplinary decision issued by a single-member organ may be revoked upon the consenting opinion of the disciplinary council. A disciplinary decision open to an objection cannot be revoked. The request for the revocation of the disciplinary decision is submitted within an exclusive time limit of sixty days from the date of the notification thereof to the civil servant.

If the revocation does not take place within three months, the revocation request is deemed to have been dismissed.

CHAPTER F

REMEDIES

Article 142 **Exception**

1. The decisions of the civil servant's superiors in the disciplinary hierarchy, with the exception of those set forth in Article 121 case (A), and the collective organs of Article 119 are open to an objection before the competent service council. The decisions of the first instance service councils ruling in the first instance, are open to an objection before the second instance service council in the cases where the disciplinary sanction of a fine amounting to over one month's salary, the deprivation of the civil servant's right to promotion, demotion, temporary and final dismissal has been imposed.

2. An objection before the first or second instance disciplinary council may be exercised:
a) by the civil servant punished, and b) any higher-ranking superior in the disciplinary hierarchy, the chairman of the collective organs of Article 119 and the minister or the general secretary of a region exercising supervision over the legal person, in favour of either the administration or the civil servant.
3. The objection is exercised within a time limit of twenty (20) days from the date of notification of the decision to the minister or from the date it arrives to the organs entitled to exercise an exception. This time limit is extended by thirty (30) days for anyone living abroad.
4. The disciplinary councils (both first and second instance), when ruling upon an objection filed by, or in favour of the civil servant, may not aggravate his position. When ruling upon an objection in favour of the administration, they may not impose a sanction lighter than the one initially imposed. When objections are exercised both by the civil servant as well as in favour of the administration, the disciplinary council examines them jointly and is not bound as to the sanction to be imposed.
4. The time limit allowed for the exercise of an objection and the exercise thereof will not result to the suspension of the enforcement of the disciplinary decision.

Article 143

Repeated Disciplinary Proceedings

1. The organs of Article 124 para.1 and 2 may request that the disciplinary proceedings be repeated according to Article 11-1 para.4 and 5, when a convicting criminal decision has been issued, and the civil servant, when an exonerating criminal decision has been issued, within an exclusive time limit of one (1) year.
2. The request for the repetition of the disciplinary proceedings is addressed to the competent first or second instance disciplinary council, as the case may be, to which the civil servant was subject at the time of the perpetration of the breach.
3. If a convicting criminal decision has been issued, when the disciplinary proceedings are repeated a disciplinary sanction graver than the initial one may be imposed. If an exonerating criminal decision has been issued, a lighter sanction may be imposed or the civil servant may be acquitted. When the civil servant had been punished with the sanction of final or temporary dismissal or demotion, the disciplinary council may, when the disciplinary proceedings are repeated, also rule on the civil servant's rank or pay reinstatement. If no vacancies exist, the civil servant will remain supernumerary and will occupy the first post to be vacated.

Article 144

Recourse

1. The punished civil servant may seek recourse before the Council of State, according to Article 121.
2. The time limit and the recourse before the Council of State are governed by the provisions in effect.
3. The time limit allowed for the recourse and the exercise thereof result to the suspension of the enforcement of the disciplinary sanction.
4. The Council of State, when rendering a judgment upon recourse, may not aggravate the civil servant's position.

CHAPTER G**ENFORCEMENT OF DECISION - DELETION OF SANCTIONS****Article 145****Enforcement of Decision**

1. A final decision must be enforced. The enforcement is effected by the competent service or legal person of public law. Any omission to enforce the sanction consists a disciplinary breach.
2. If the recourse sought against a decision imposing the sanction of the final dismissal is dismissed, the termination of the service contract takes place ipso jure as of the pronouncement of the decision of the Council of State.
3. During the period of the temporary dismissal the civil servant abstains from all services. The temporary dismissal period is not considered to consist a period of actual service.
4. A civil servant punished with demotion will not be assessed for the purposes of promotion prior to the lapse of a period equal to half the time required for promotion as of the imposition of the sanction.
5. The disciplinary decision imposing a fine is enforced by the head of the service ordering the payment of the civil servant's salary. If the service contract is terminated, the fine is collected pursuant to the provisions of the Code for the Collection of Public Revenues. The punished civil servant, and not his heirs, is exclusively responsible for the payment of the fine.

The fine is calculated on the basis of the salary paid to the civil servant at the time of issue of the first instance disciplinary decision. When the fine is set to an amount equivalent to up to one fifth (1/5) of his salary, it is deducted as a lump sum from the salary of the first month to follow the finalization of the decision. When the amount of the fine is larger, it is deducted piecemeal every month.

The monthly amount of the deduction is determined in the disciplinary decision and may not exceed one fifth (1/5) of the civil servant's salary.

Article 146**Deletion of Disciplinary Sanctions**

1. The sanction of reprimand is deleted ipso jure after the lapse of three (3) years, a fine after the lapse of five (5) years and the other sanctions, with the exception of the final dismissal, after the lapse of ten (10) years, provided the civil servant has not received another sanction during this period.
2. The disciplinary record of a deleted sanction will be removed from the civil servant's personal record and placed on the service files and may not thereafter consist a factor towards the civil servant's assessment.

Article 147**Costs of Disciplinary Proceedings**

1. The disciplinary proceedings take place free of charge.
2. When an expert investigation is ordered, the fees payable to the experts are cleared by the disciplinary organ and paid by the State or the relevant legal person of public law.

PART F**TERMINATION OF SERVICE CONTRACT****CHAPTER A****TERMINATION OF SERVICE CONTRACT****Article 148****Reasons for Termination**

The service contract is terminated upon the occurrence of the civil servant's death, acceptance of resignation, forfeiture and dismissal.

CHAPTER B**RESIGNATION****Article 149****Resignation**

1. Resignation constitutes a right for civil servants and is filed in writing. A condition, proviso or time limit in the resignation application are considered as not written.
2. The resignation is deemed not to have been filed if at the time of its filing there are pending criminal proceedings against the civil servant for a misdemeanour of those listed in Article 8 para.1 case (a) or for a felony, or disciplinary proceedings before the service council for a breach which may be punishable with the sanction of the civil servant's final dismissal or if the criminal or disciplinary proceedings are instituted within two (2) months from the date of the filing of the resignation and prior to the acceptance thereof.
In the case of the institution of disciplinary proceedings after the filing of a resignation application, and provided the disciplinary case is not heard in the first instance within six (6) months, the civil servant is entitled to file a new resignation pursuant to the terms of the present Article.
3. A civil servant with the obligations of Article 58 is not entitled to resign prior to the expiration of the period determined therein.
4. A civil servant may revoke in writing his resignation within an exclusive time limit of one (1) month after the filing thereof, provided it has not been accepted pursuant to the following paragraph.
5. The resignation is accepted by way of an act issued by the competent organ and published in summary in the Official Gazette of the Hellenic Republic. The service may not accept the resignation prior to the expiration of a fifteen (15) day period from the date of filing thereof. If within fifteen (15) days from the lapse of the fifteen-day period from the filing of the resignation the civil servant reverts with a second application, insisting on his resignation, this will be ipso jure accepted and the service contract will be terminated as of the date of filing of the second application. The resignation is deemed to have been accepted and the service contract is ipso jure terminated if a period of two (2) months lapses idly from the date of the filing thereof. An ascertaining act is issued in regard with the termination of the service contract, which is published in summary in the Official Gazette of the Hellenic Republic.
6. Any provisions in the legislation in effect regulating a civil servant's resignation in special cases, will remain in effect.

CHAPTER C**FORFEITURE****Article 150****Ipsa Jure Forfeiture due to Criminal Conviction**

A civil servant forfeits his office ipso jure, if by way of a final court decision:

- a) He is convicted to no less than a penalty of temporary incarceration or any penalty for the misdemeanours of Article 8 para.1 case (a) or any penalty for desertion,
- b) He is deprived of his civil rights.

The forfeiture takes place as of the date of pronouncement of the final convicting decision. An ascertaining act is issued in regard with the forfeiture of office, which is published in summary in the Official Gazette of the Hellenic Republic.

Article 151**Reinstatement to Service in the Case of Forfeiture**

1. A civil servant who has forfeited his office according to the provisions of Article 150, will be reinstated provided the decree of Article 47 para.1 of the Constitution revoking all the consequences of the penalty is issued.
2. The specific reinstatement conditions and procedure are determined by presidential decree, issued upon the proposal of the Minister of the Interior, Public Administration and Decentralization.

Article 152**Forfeiture due to Loss of Nationality**

A civil servant ipso jure forfeits his office as of the date he loses the Greek nationality or the nationality of a Member State of the European Union. An ascertaining act is issued in regard with such forfeiture, which is published in summary in the Official Gazette of the Hellenic Republic.

CHAPTER D**DISMISSAL FROM OFFICE****Article 153****Causes of Dismissal**

A civil servant may be dismissed only for the following reasons:

- a) When the disciplinary sanction of his final dismissal is imposed,
- b) On the grounds of his physical or mental disability,
- c) Because of the cancellation of the post he holds,
- d) Because he has attained the age limit and has completed thirty-five years of service,
- e) Because he is unsuitable according to Article 94 of the present Code.

Article 154**Dismissal on the Grounds of Physical or Mental Disability**

1. A civil servant is dismissed by decision of the service council if his physical or mental disability should be established, according to Articles 100, 166 and 168. A civil servant is not dismissed, if his disability permits him to perform other duties.
2. A civil servant dismissed pursuant to para.1, will be reappointed according to Article 21.

Article 155**Dismissal due to the Cancellation of the Post Held by the Civil Servant**

1. A civil servant is dismissed, if the post he holds is cancelled.
2. If only certain posts of the same branch are cancelled, the civil servants with the less material qualifications will be dismissed, by decision of the service council. Recourse before the Council of State may be sought against this decision.
3. The above will also apply in the case of the cancellation of posts after a merger of branches or services.
4. The civil servants to be dismissed according to the preceding provisions are entitled, by request, to be reassigned to a vacant post in another civil service or legal person of public law. The specific terms and reassignment procedure are determined by presidential decree, issued upon the proposal of the Minister of the Interior, Public Administration and Decentralization.
5. The civil servant is entitled to be reappointed if the same or a similar post is reconstituted within one (1) year from the date of his dismissal.

Article 156**Dismissal due to Attainment of the Age Limit and Completion of a Thirty-Five-Year Period of Service**

1. A civil servant is ipso jure dismissed from service upon the attainment of his sixty-fifth year of age.
2. Exceptionally, a civil servant is ipso jure dismissed from service upon the attainment of his sixtieth year of age and the completion of a thirty-five-year period of actual and pensionable service.
If a civil servant, upon attaining his sixty-fifth year of age, has not completed thirty-five years of actual and pensionable service, he will remain in service until this period is completed and, in any case, until he attains his sixty-seventh year of age at the latest.
3. In regard with the implementation of the preceding paragraphs, the civil servant's birthday is considered to be December the 31st of his year of birth.
4. Any service rendered to the State, to a legal person of public law or a local government agency under a public or private law contract is deemed to consist actual service, as well as any service recognized as actual service on the basis of special provisions. Any period of enlistment prior to the commencement of the service contract is not deemed to consist actual service.
5. A general director may remain in the service even after the completion of thirty five years of service for a period of two years and, in any case, until he attains his sixty-fifth year of age at the latest, by presidential decree issued upon the proposal of the competent minister and following the approval of the cabinet, due to specifically reasoned exceptional needs.

Article 157**Termination Act of the Service Contract**

1. The termination of the service contract is effected by decision of the competent minister or the single-member administration organ of the legal persons of public law, and is published in summary in the Official Gazette of the Hellenic Republic.
2. With the exceptions of the cases of ipso jure termination, the service contract is terminated as of the announcement of the decision to the interested civil servant. If said decision is not notified within twenty (20) days from the date of its publication, the service contract will be ipso jure terminated after the expiration of the twenty-year period.

PART G
COLLECTIVE ORGANS
CHAPTER A
SERVICE COUNCILS

Article 158
Categories and Competences

1. Service councils are divided into the following categories:
 - a) Special service council, responsible for the general service status of the highest-ranking civil servants and employees of legal persons of public law, with the exception of the Academy of Athens and the Universities.
 - b) First instance service councils, responsible for the general service status of the other civil servants of the State.
 - c) First instance service councils, responsible for the general service status of the employees of a certain legal person of public law (specific) or more than one legal persons of public law (joint).
 - d) Second instance service councils examining in the second instance the cases clearly set forth in the present Code.
2. The service councils of the preceding cases a, b, c also function as disciplinary councils. The service council of case d functions exclusively as a disciplinary council, subject to the reservation of Article 94.
3. Each service council is an individual authority.
4. Service councils exercise the competences provided for by the Constitution, the present Code and special provisions.
5. The special service council rules in the first and last instance.
6. First instance service councils rule in regard with the cases set forth in the present Code and in special provisions, either in the first and last instance or in the second instance.
7. Second instance service councils examine in the second instance the decisions of the first instance service councils, as to their points of law and their merits, exclusively in regard with the cases set forth in the present Code.

Article 159
Establishment

1. A special service council is hereby established, with its seat at the Ministry of the Interior, Public Administration and Decentralization.
2. One or more first or second instance service councils are established in each civil service, by decision of the competent minister, which is published in the Official Gazette of the Hellenic Republic. The second instance service councils also deal with the service status issues of the employees of supervised legal persons of public law. Second instance service councils may also be established in major legal persons of public law, by decision of the Minister of the Interior, Public Administration and Decentralization and the competent minister.
3. One or more service councils are established in each legal person of public law. In each prefecture or prefectural district one or more joint service councils may be established, by decision of the organ exercising the supervision of the legal persons of public law. The establishment decision, published in the Official Gazette of the Hellenic Republic, determines the seats of the joint service councils.

4. In the case of more than one service councils established in the same ministry of legal person of public law, the establishment act also determines the competences of each council.
5. A second instance service council is hereby established, with its seat in the Ministry of the Interior, Public Administration and Decentralization, dealing with the service status issues of civil servants serving in the Regions.
6. Up to two first instance and one second instance service councils are established in the Academy of Athens and in each University, by decision of the chairman and the dean, respectively, published in the Official Gazette of the Hellenic Republic.

Article 160 **Formation**

1. The special service council has seven members and consists of:
 - a) One vice president of the Council of State, acting as chairman, substituted by a vice president or councilor of State, appointed by the President of this Court.
 - b) One professor of the National Technical University of Athens, substituted by another professor of the same educational institute.
 - c) One professor of public law of the University of Thessaloniki, substituted by another professor of the same educational institute.
 - d) One professor of public law or administrative or political science of the National Capodestrian University of Athens, substituted by another professor of the same educational institute.

The dean of the relevant University appoints the above-mentioned professors and their substitutes.
 - e) The general director of the Ministry of the Interior, Public Administration and Decentralization responsible for Public Administration personnel matters, substituted by the same ministry's general director of Administrative Support.
 - f) The general director of the Ministry of Finance responsible for payroll and pension issues, substituted by the same Ministry's general director of Administrative Support.
 - g) The chairman of ADEDY, substituted by a member of the executive committee, appointed by the same committee.
2. The first instance service councils of ministries and legal persons of public law have five members and consist of:
 - a) Three (3) permanent civil servants holding the rank of a director, among those coming under the competence of the service council and serving at its seat. One of these permanent civil servants is appointed as chairman of the council. The council formation decision appoints one of the regular members of the council as the chairman's substitute. If the chairman's substitute is presiding over a meeting, the substitute of the presiding civil servant also participates as a member of the council.
 - b) Two (2) elected representatives of the civil servants, holding no less than rank A.
3. The second instance service councils of ministries and legal persons of public law have five members and consist of:
 - a) One judge of the administrative or civil court of appeal, acting as chairman, nominated with his substitute by the president of the relevant court of law.

The organ responsible for the appointment of the members to the service council addresses a query to that effect to the Minister of Justice, who turns for the

selection to the most appropriate, at his discretion, court. The president of that court is required to answer within a month after receiving the relevant query.

- b) Two (2) permanent civil servants holding the rank of a director, among those subject to the competence of the service council and serving at its seat.
 - c) Two (2) elected representatives of the civil servants, holding no less than rank A.
4. The members of point (a), para.2 and point (b), para.3 are appointed by the competent minister or the board of directors of the legal person of public law among civil servants holding the rank of a director. If no civil servants qualify, or if their number does not suffice, civil servants from other ministries or legal persons of public law, meeting the same conditions, are appointed.
- The manner, procedure and other conditions for the appointment of the members of point (b), para.2 and point (c), para.3 are determined by decision of the Minister of the Interior, Public Administration and Decentralization, issued upon the concurrent opinion of ADEDY.
5. Service council members are appointed, respectively, with a corresponding number of substitutes.

Article 161 **Appointment of Members**

- 1. The members of the special service council are appointed by decision of the Minister of the Interior, Public Administration and Decentralization.
- 2. The chairman and members of the other service councils, and their substitutes, are appointed by decision of the competent minister or the board of directors of the legal person of public law or the chairman of the Academy of Athens or the University dean, in the case of the service councils of Article 159 para.6.

Article 162 **Term of Office**

- 1. The members of each service council, with an equal number of substitutes, are appointed to a two-year term of office, commencing on January the 1st, by virtue of a decision issued during the month of December of the previous year.
- 2. During the two-year term of office, no members may be replaced, unless for established serious official or personal reasons.

Article 163 **Operation**

- 1. The substitutes participate in the case of the regular members' absence or impediment.
- 2. The chairman's substitute takes the chair in the case of the chairman's absence or impediment.
- 3. The chairmen of the personnel services are appointed as council reporters and substitute council reporters, without voting rights, in the first instance service councils, by decision of the competent minister or the board of directors of the relevant legal person of public law.
- 4. Only members of the special service council and the second instance service councils are appointed as council reporters, by act of the chairman of said councils.
- 5. A civil servant appointed, with his substitute, by the competent minister or the board of directors of the legal person of public law, respectively, serves as secretary.
- 6. A civil servant holding no less than rank A in the Ministry of the Interior, Public Administration and Decentralization is appointed, with his substitute, as secretary in the special service council.

7. All the service councils establish quorum when no less than three (3) members are present, with the exception of the special service council, which may proceed to its works when no less than five (5) members are present. Service councils decide or give opinions with the absolute majority of the members attending the proceedings, which must definitely include the chairman or his substitute. In the case of parity of votes, the chairman's vote will prevail. If more than two opinions have been formulated, those of the weakest must accede to one of the dominant ones.
8. The proceedings of the service councils are entered in minutes, which are signed by the chairman and the secretary. Until the minutes are signed according to the above, a certification in regard with the adopted decisions may be issued to any interested civil servants, upon their request, which is signed by the chairman of the service council. The opinion of any dissenting minority in the council is fully entered in the minutes.
9. The operation of the service councils is additionally governed by the general provisions on collective administration bodies; as these apply from time to time.
10. A civil servant may appear before the service councils judging a disciplinary case involving him in present, with the assistance of an attorney, or through an attorney alone.

Article 164

Objection before the Second Instance Service Councils

1. The decisions of the first instance disciplinary councils may be challenged by way of an objection before the second instance disciplinary councils, only in the cases of the imposition of the sanctions of more than one (1) month's salary, demotion and temporary or final dismissal.
2. Acts may be challenged either by the interested civil servant or by the competent minister or supreme single-member organ, or in the absence thereof, the board of directors of the legal person of public law, in favour or against the civil servant, within an exclusive time limit of twenty (20) days from the date of notification thereof.
3. The objection is filed with the first instance service council, which duly forwards it to the second instance council, with the full case file.
4. The enforcement of the act is ipso jure suspended during the period of the time limit allowed for the exercise of an exception, until the latter may be examined, subject to the special provisions regulating the civil servant's service status during the period of the suspension.
5. The second instance service councils may not aggravate the civil servant's position, when an objection is exercised by him or in his favour.

CHAPTER B

HEALTH COMMITTEES

Article 165

Categories of Health Committees

1. Health committees have competence to rule on health issues involving the civil servants. They are divided into:
 - a) Primary health committees,
 - b) Secondary health committees,
 - c) Recourse committees,
 - d) Special health committees.
2. The relevant IKA (Social Securities Institute) health committees are responsible for giving an opinion on the matter of convalescence leaves requested by the permanent

civil servants of the State and legal persons of public law, who at the time of their permanency maintained their health insurance with IKA.

3. The dispatch of the works of the primary or secondary health committees in legal persons of public law, which have their own health provision structure, may be assigned to subordinate health committees, respectively, by act of the board of directors, approved by the minister supervising the legal person. The competence of these committees may, by joint decision of the ministers exercising supervision, be extended to cover other legal persons, whose employees are insured in regard with the sickness branch with the legal person where said committees operate.

Article 166

Primary and Secondary Health Committees

1. In each prefecture and prefectural district one or more primary health committees, consisting of three (3) members and formed by physicians of the public sector or legal persons of public law or local government agencies serving in each prefecture or prefectural district are established by decision of the competent general secretary of of Region.

Primary health committees have competence to give an opinion, upon a request made by the civil servant, in regard with the following: a) the granting of convalescence leaves, b) the verification of the fitness of candidates for appointment, c) any other health issue pertaining to the civil servants and related to their official duties.

If more than one health committees are established, the establishment decision determines their seats and territorial jurisdiction.

2. At the seat of each Region a secondary health committee is established by decision of the general secretary of the Region, consisting of five (5) members and formed by physicians of the public sector or legal persons of public law or local government agencies serving in the prefecture.

Secondary health committees have competence: a) to examine objections against the decisions of the primary health committees, pursuant to Article 56 para.3, b) to dismiss from service on the grounds of sickness, in any other case but the one of Article 154 para.1 second section, c) to assess the restored health of those reappointed pursuant to Article 21.

A secondary health committee may also be established outside the seat of the Region, by decision of the general secretary of the Region, also determining the territorial jurisdiction thereof.

No member of the primary committee, whose decision is challenged by the exception, may participate in the secondary health committee.

3. The appointment of members to the primary and secondary health committees takes place in January every other year, by decision of the competent organ. The same decision appoints the secretary, among the civil servants serving at the seat of the health committees, and the emoluments payable to the committee members and secretary.
4. Any negative decisions of the health committees are directly notified to the interested civil servant.
5. The manner of operation of the primary and secondary health committees, the manner of examination of the civil servants and any other relevant details are determined by joint decision of the Ministers of the Interior, Public Administration and Decentralization, and Health.

Article 167
Recourse Committees

1. Recourse health committees are established by decision of the Minister of Health and Welfare, in January every other year, at the seats of the University Departments of Medicine, consisting of three (3) professors of University Departments of Medicine, of any level whatsoever. The same decision determines the seat, competence, manner of operation and member specialization thereof. The emoluments payable to the committee members and secretary are determined by joint decision of the Ministers of Health and Welfare, and Finance.
The appointment of the members and secretary to a two-year term in the committees takes place by decision of the Minister of Health and Welfare.
2. Recourse health committees rule on the civil servants' recourses in those cases explicitly set forth in the present Code.

Article 168
Special Health Committees

1. Special health committees are established by decision of the Minister of Health and Welfare, consisting of three (3) professors of University Departments of Medicine, of any level whatsoever. The same decision determines the formation of the special health committees per specialization in regard with the types of hard to cure diseases, the territorial jurisdiction and manner of operation thereof as well as the emoluments payable to the committee members and secretary.
2. The special health committees give their opinion on the granting of convalescence leaves to civil servants suffering from hard to cure diseases and on their dismissal from service if they are unable to perform their duties due to physical or mental disability, which is the result of such diseases.
The opinions of these committees are not subject to recourse before the recourse committees.
3. The members and secretary of these committees are appointed by decision of the Minister of Health and Welfare in January every other year, upon the nomination of the competent departments of medicine.

PART H

FINAL - TRANSITIONAL PROVISIONS

Article 169
Establishment of Posts per Rank

1. Posts for the rank of General Director are ipso jure established to a number equal to the existing general directions. The post is established in the branch, where the head of the General Direction should come from, according to the relevant regulations. When the head of the General Direction may come from more than one branches, the post is established outside the rank hierarchy of the branches and belongs to all of them.
2. Posts for the rank of Director are ipso jure established to a number equal to the existing directions or sub-directions or units of a corresponding level. The post is established in the branch and category, where the head of the direction should come from, according to the relevant regulations. When the head of the direction may come from more than one branches or categories, the post is established outside the rank hierarchy of the branches or categories and belongs to all of them.

3. The remaining posts to be covered by the civil servants of each branch are ipso jure graded in posts for ranks D up to A, which are uniform for the US, TS and SE categories and ranks E up to B, which are uniform for the CE category.

Article 170

Regulation of Special Issues

1. The heads of Direction and General Direction units at the time of the commencement of effect of the present Code will continue to exercise their duties until they are promoted or until a new head is placed.
2. The heads of departments, independent offices or units of a corresponding level at the time of the commencement of effect of the present Code, will continue to perform their duties until the termination of the term of office to which they have been selected, according to the provisions of Article 36, Law 2190/ 1994.

Article 171

Health Committees

1. The formation of the health committees according to the provisions of Articles 165-168 of the present Code will take place within a time limit of two (2) months from its coming into effect.
2. The existing health committees at the time of the commencement of effect of the present Code will continue to operate until the formation and operation of the new health committees.

Article 172

Other Provisions

1. For a period of two years as of the commencement of effect of the present Code, the maximum appointment age for the US and TS categories is set to 37 years.
2. For a period of three years as of the commencement of effect of the present Code, the maximum appointment age for the SE and CE categories is set to 35 years. 3. Holders of elementary school graduation certificates may be appointed to CE category posts, provided they have graduated up to the year 1980.
4. The filling of the posts announced prior to the attainment of the age limits of Article 6 para.1 of the present Code will take place on the basis of the age limits effective prior to the date of the announcement.
5. In the framework of the first implementation of the present Code, if the relevant regulations do not set forth the branches from which the heads of the units should come from, a joint decision of the Minister of the Interior, Public Administration and Decentralization and the competent minister, as the case may be, will determine said branches, depending on the subject-matter of each individual unit and the specialization of the branch.
6. The effective provisions will be adjusted to the regulations of the present Code, when this becomes necessary due to the modification of the ranking system, by presidential decrees issued upon the proposal of the Minister of the Interior, Public Administration and Decentralization and the competent ministers, as the case may be. The effect of the presidential decrees may date back to the commencement of effect of the present Code.
7. Any provision, which is contrary to the present Code or regulated issues governed by the present Code, is hereby repealed.

Second Article Transitional Provisions

1. Civil servants in service at the time of the commencement of effect of the present will be ipso jure classified in the uniform ranks of their service category, pursuant to the provisions of Article 79 para.1-7 of the present, holding the same rank they held according to the provisions of Law 2190/1994 at the time of effect of the present Code. The period of service at the rank held will count as period of prior service at the classification rank.
2. For the ipso jure classification of civil servants pursuant to the present Article, ascertainment acts are issued by the head of the personnel service. These acts are not published in the Official Gazette of the Hellenic Republic.
3. In the framework of the first implementation of the Code, candidates for a promotion to the rank of director will be the civil servants, who at the time of the commencement of effect of the present:
 - a) Meet the conditions for promotion to the rank of director, as these are set forth in the provisions of the present Code, or
 - b) Have been selected at any time as head of a direction or sub-direction or other unit of a corresponding level, or
 - c) Meet the conditions for selection as direction heads according to the provisions of Article 36 para.6 and 7, Law 2190/ 1994 and, in addition, have performed the duties of the head of a direction or department or independent office or other unit of a corresponding level for no less than three years.In particular, graduates of the National Public Administration School will be candidates for promotion to the rank of director if they have performed the duties of the head of a direction or department or independent office or other unit of a corresponding level for no less than two years, considering also the provisions of Article 12 para.4, Law 2527/ 1997.

The promotions of civil servants to the rank of Director, according to the provisions of the preceding sections, take place by decision of the relevant service council, upon query of the competent organ, without need for list of promotees, and the relevant procedure must be concluded at the latest within three (3) months of the commencement of effect of the present Code.
4. The first lists of promotees to the uniform ranks will be drawn up within one (1) month from the commencement of effect of the present Code and will remain in effect until the end of April of the following year.

The first lists of promotees to the rank of director will remain in effect until the end of April 2000.
5. In the framework of the first implementation of the present Code, civil servants who have performed the duties of a general direction head upon being selected according to the provisions of either Articles 78 and 79, Law 1892/ 1990 or Articles 24 and 36, Law 2190/ 1994, as well as direction heads, who at the time of the commencement of effect of the present Code have performed the duties of the head of a direction or sub-direction for no less than three (3) years, will be candidates for promotion to the rank of general director, within six (6) months from the effect of the present.

General direction heads in service, unless being promoted to this rank, may retire from service with the pay and title of the rank of a general director's post, provided they file their resignation within an exclusive time limit of two (2) months from the date of the announcement of their non-promotion.

In this case, the total period of actual service is increased by the time required for the completion of thirty-five (35) years of actual service, and by no more than two years. If they do not opt for their retirement from service, the provisions of the last two sections of Article 82 para.8 of the present Code will apply.

The heads of directions at the time of the publication of the present, holding this post pursuant to the provisions of the fourth or fifth section of Article 36 par.2, Law 2190/1994, will be ipso jure classified to the rank of director.

Exceptionally, heads of general directions who are in service and who are ipso jure dismissed pursuant to the provisions of Article 156 of the present Code, will ipso jure occupy a post of the rank of general director until December 31, 1999.

6. The promotion of civil servants to the ranks of general director and director takes place in compliance with the regulations of the relevant service, determining the US, TS and SE branches from which the heads of units must come, subject to the provisions of Article 79 para.5 and 8 of the present Code.

7. The general directors of the General Hospitals of the National Health Systems, appointed according to the provisions of Article 17, Law 2519/ 1997, are not subject to the provisions of the preceding paragraph 5. Their service status will continue to be governed by the special provisions applying at the time of the commencement of effect of the present Law.

8. Heads of regional general directions in service will continue to perform their duties until the expiration of the term of office to which they have been selected, according to the provisions of Article 3 para.5, Law 2503/1997. Within a time limit of six (6) months from the expiration of said term of office, the posts of the rank of general director in a Region will be covered by promotion. Heads of regional general directions in service as well as the civil servants of a Region, who at the time of the filing of the query with the special service council qualify for promotion to this rank according to the provisions of Articles 82 para.3 and 4 and 83 of the present Code, will be candidates for promotion to the rank of a general director in a Region.

Heads of regional general directions in service, if not promoted to the rank of general director, will fill a vacancy with the rank of director, and if not such vacancy exists, the first post to be vacated, subject to the provisions of the last three sections of paragraph 5 of the present Article.

9. During the first formation of the first instance service councils by decision of the competent minister of the board of directors of the legal person of public law, five civil servants, among those selected no less than twice as direction heads and exercising the duties of the head of a direction for no less than three years, will be classified to the rank of director. These civil servants will ipso jure consist the regular and substitute members of the service council of Article 160 para.2 point (a) and para.5 of the present Code.

If no civil servants qualify or if their number does not suffice, civil servants with less time in the performance of the duties of a head of direction will be classified to the rank of director. In the event that again no civil servants meet the qualification of the preceding section or their number does not suffice, civil servants elected once as direction heads will be classified to the rank of director, and those with the most time in the performance of the duties of a head of direction will take precedence. If again there are no civil servants meeting these qualifications or their number does not suffice, civil servants placed no less than twice as direction heads and exercising the relevant duties for no less than three years will be classified to the rank of director. As to the rest, the provisions of the second section of Article 160 para.4 will apply.

- 10.** Civil servants who, at the commencement of effect of the present are heads of units, will continue to perform their duties until heads are placed pursuant to the provisions herein.

If, as a result of the reorganization, a general direction or direction unit is cancelled, the heads with the rank of general director or director, respectively, who will not perform thereafter the duties of a head, will retain their rank and salary and will ipso jure occupy personal posts, resulting from the conversion of the posts previously occupied, and perform the duties determined by decision of the relevant minister or the administration organ of the relevant legal person of public law.

If posts corresponding to their rank and branch should be vacated or established, they will ipso jure occupy these posts, according to the order of priority determined by the competent service council, if the number thereof does not suffice.
- 11.** The first instance service councils are formed after the lapse of one year from the date of effect of the present. The provisions of the present Code regulating the possibility to submit an objection before these councils will also come into effect as of that date.
- 13.** Within two (2) months from the date of publication of the present Law, the special service council of Article 29, Law 2190/1994 will assess for promotion to the rank of general director civil servants qualifying pursuant to the provisions of the preceding paragraph 5 and Article 83 of the present Code, in conjunction with the relevant regulations determining the branches from which the heads of directions should come, in order for them to consist the regular and substitute members of points (e) and (f) of the special service council of Article 160 para.1 of the present Code.
- 14.** Until the new service councils are formed and begin to operate, the service councils existing at the time of the commencement of effect of the present Law will continue to operate.
- 15.** The subordinate service councils examine all the issues falling within their competence, with the exception of those pertaining to the promotions of civil servants holding non-uniform ranks and the selections of the heads of departments and independent offices and other units of a corresponding level.
- 16.** Until the decision set forth in Article 160 para.4 of the present Code is issued, determining the election manner and procedure of the elected representatives of the civil servants, the provisions in effect at the time of publication of the present law will apply.
- 17.** The elected representatives of the civil servants, elected in order to be appointed as members of the service councils as of January 1, 1999, will be appointed in the framework of the first implementation of the present as the members of the service councils of Article 160 para.2 point (b) of the present Code.
- 18.** For the ipso jure classification of civil servants, who have been ipso jure seconded to Prefectural Local Government Agencies, pursuant to the provisions of Article 39, Law 2218/1994, as these have been amended by the provisions of Article 6 para.8, Law 2240/1994, an equal number of personal posts will be established at the branches where these belong, to which they will be classified. These civil servants will continue to perform their duties at the Prefectural Local Government Agencies where they are seconded.
- 19.** In the first formation of the service councils of the Prefectural Local Government Agencies by decision of the relevant Prefect, five (5) civil servants among those meeting the qualifications of para.9 of the present Article will be ipso jure classified to the rank of director and they will ipso jure consist the regular and substitute members of the service council of Article 160 para.2 point (a) and para.5 of the present Code.

In order, according to the preceding section, for civil servants seconded to the Prefectural Local Government Agencies to be classified to the posts with a director's rank, according to the provisions of Article 39, Law 2218/1994, as modified by the provisions of Article 6 para.8, Law 2240/1994, when they meet the conditions of para.9 of the present Article, they must first submit a reassignment request to the Prefectural Local Government Agency.

Third Article

1. Article 9 para.4, Law 2503/1997 is replaced, as of the date of its effect, as follows:
 4. Case (a) of Article 1 para.1, Legislative Decree 2189/1952, as its has been codified by the single Article of Presidential Decree 197/1978 (Official Gazette Issue No 43/A) is replaced as follows:
 - a) Local, in each prefectural district, Associations of Municipalities and Communities, where all the municipalities and communities are required to participate as members with their legal representatives.

The election manner and procedure of the municipal and community representatives to the Local Associations of Municipalities and Communities (TEDK) of the various Prefectures, the election manner and procedure of the representatives of the Local Associations of Municipalities and Communities to the Central Association of Municipalities and Communities of Greece (KEDKE), the composition, formation, election manner, competences, organization, operation of the TEDK and KEDKE organs, the term of office of said organs, which lasts during the whole municipal and community term and may expire upon the establishment of the new organs, as well as any required details are determined by presidential decree, issued upon the proposal of the Minister of the Interior, Public Administration and Decentralization, following an opinion by KEDKE.
2. The present Article will come into effect as of the date of publication of the present Law in the Official Gazette of the Hellenic Republic.

Fourth Article

The following provisions of the Code of Regulations of Public Civil Administrative Servants and Employees of Legal Persons of public law and other provisions' extend over, and apply to the permanent personnel of local government agencies:

Part C, Chapters D, E, F, G, H, I.

The remaining provisions are extended by analogy, either in total or in part, by presidential decree issued upon the proposal of the Minister of the Interior, Public Administration and Decentralization, within an exclusive time limit of two (2) months from the implementation of the above-mentioned provisions. The total or partial implementation of the extended provisions may be given retrospective effect with said presidential decree.

The same decree may codify into a single text the provisions of the legislation in effect, as well as any statute, which may be issued in the future, pertaining to the personnel of local government agencies. During this codification the legislative material may be reorganized, without affecting the meaning of the provisions in effect, for instance articles may be broken or merged, new articles may be supplemented, the material may be otherwise formulated, provisions explicitly or tacitly repealed and transitional provisions which do not apply may be left out, the linguistic formulation may be corrected and the texts may be expressed in the demotic language.

Fifth Article

The present Law, with the exception of the provisions, which are otherwise regulated herein, will come into effect two (2) months after its publication in the Official Gazette of the Hellenic Republic.

We hereby order that the present be published in the Official Gazette of the Hellenic Republic and enforced as a law of the State.

Athens, February 5, 1999

THE PRESIDENT OF THE REPUBLIC

CONSTANTINOS STEPHANOPOULOS

THE MINISTERS

OF THE INTERIOR, PUBLIC ADMINISTRATION AND DECENTRALIZATION

A. PAPADOPOULOS

OF FINANCE

YIAN. PAPANTONIOU

Certified and sealed with the Great Seal of the State

Athens, February 8, 1999

THE MINISTER OF JUSTICE

E. GIANNOPOULOS

True translation from Greek to English

V. VOUTSELA, Translator for the Ministry of Foreign Affairs