

**NATIONAL TRANSPARENCY AUTHORITY****ETHICS COMMITTEE OF ARTICLE 74 OF LAW 4622/2019****DECISION 21/2025**

The Ethics Committee of Article 74 of Law 4622/2019 met in session on May 22, 2025, Thursday at 11:00 a.m., following the invitation of its Chairman dated 16.05.2025, to the other regular and alternate members, which was sent by email along with the agenda. The meeting was held by teleconference and was attended by the following members of the Committee: Paraskevas Nomikos, Chairman of the National Transparency Authority's Management Board (Chairman), Konstantinos Georgakis, Legal Advisor to the State (regular member), Nikolaos Karagiorgis, Legal Advisor to the State (regular member), Dionysios Laskaratos, First Vice-President of Supreme Council of Civil Personnel Selection (ASEP) (regular member) and Andreas Pottakis, Ombudsman (regular member). Secretarial support was provided by Vasiliki Tsaroumi, a secondary education category employee, with grade A, of the General Directorate of Financial and Administrative Services and e-Governance of the National Transparency Authority, replacing the Secretary of the Committee, Ms. Elena Magafa, who was absent due to leave.

The purpose of the above meeting was to discuss and decide on the application with protocol number 80/06-05-2025, submitted by Mr....., a permanent civil servant and former Interim Governor of the Public Employment Service (D.YP.A.) of the Ministry of Labor and Social Security, for the granting of a permission, in accordance with Article 73 of Law 4622/2019, in order to take up a salaried position in the private capital company under the name.....,



mainly involving administrative and strategic management, planning, implementation, and monitoring of consulting projects.

Article 73 of Law 4622/2019 stipulates, inter alia, that persons appointed to the positions referred to in Article 68 of the same law, namely: (a) members of the Government and Deputy Ministers, (b) General and Special Secretaries, as well as Coordinators of Decentralized Administrations, (c) the Presidents or heads of Independent Authorities and the Presidents, Vice-Presidents, Governors, Interim Governors, Sub-Governors, managing or executive advisors of legal entities of public law (L.E.P.L.) and private law (L.E.Pr.L.), whose selection is at the discretion of the Government, with the exception of bodies falling within the scope of Chapter B of Law 3429/2005 (A' 314), are required, for one (1) year after leaving their position, for any reason, to obtain permission for any professional or business activity related to the activity of the body to which they were appointed, if this could create a conflict of interest situation, within the meaning of Article 71 of Law 4622/2019.

As defined in Article 71 par 2, section 2 and 3 of Law 4622/2019: A conflict of interest is any situation in which, objectively, the impartial performance of the duties of the persons being audited is affected. The impartial performance of duties is particularly affected when there is: (a) a financial or non-financial benefit for themselves, their spouses or cohabiting partners within the meaning of Article 1 of Law 4356/2015, their relatives by blood or marriage, in a direct line without limitation, or in a collateral line, up to the second degree, as well as for natural or legal persons with whom they have a special bond or relationship, and (b) damage, financial or otherwise, to natural or legal persons with whom there is a particular enmity.

As defined in the second subparagraph of paragraph 1 of Article 73 of Law 4622/2019: Such a situation arises in particular: (a) through the provision by them of services - under any legal relationship - to a natural or legal person governed by private law in Greece or abroad; or (b) through their participation in the capital or management of the above legal entities, except in cases of acquisition of shares, company shares or other rights through inheritance.

The above persons who intend to engage in an activity that may fall within the scope of paragraph 1 of Article 73 of Law 4622/2019 must submit a relevant application to the Ethics Committee referred to in Article 74 of the same law. The Committee, after



considering the application of the person, shall issue a reasoned decision within an exclusive period of one (1) month. During this period, the person must refrain from carrying out the activity to which the application relates. If the Committee does not decide within the specified time limit, the permission shall be deemed to have been granted. The Committee, which, pursuant to Article 73 (par3, fourth subparagraph), of Law 4622/2019, may request from the applicant any additional information it deems necessary for its decision, may, by its discretion taken at its discretion, pursuant to Article 73(par4) of Law 4622/2019, which shall be published on the website of the National Transparency Authority: (a) allow the activity in question without restrictions or conditions, (b) allow it with the necessary restrictions and conditions, (c) prohibit it completely. Cases (b) and (c) may not exceed a time limit of one (1) year after the person has left the position referred to in Article 68 of Law 4622/2019 for any reason. In cases (b) and (c), the Commission may determine a reasonable compensation for the person, that is borne by the State Budget.

Articles 68 and 73 of Law 4622/2019 do not introduce an absolute prohibition on the exercise of professional activities in the private sector by any of the persons referred to in Article 68 (par1) of the same law, after the expiry of their term of office in the public body in which they served, and whether or not they are permitted to engage in such activity within one (1) year after the expiry of their term of office, is left to the discretion of the Ethics Committee. In order to decide, in accordance with Article 73(par4) of Law 4622/2019, at its discretion, whether to grant the requested permission with or without restrictions or whether to prohibit the exercise of the activity in question, the Committee must first examine whether the professional activity which the applicant wishes to pursue is related in general to the subject matter of the body in which he served, secondly, whether the duties he is going to undertake, in the course of his professional activities in the private sector, are related to the entire range of his responsibilities in the body in which he served. The above investigation of any relevance is also important in order to determine the content of any necessary restrictions on his professional activity after the end of his term of office.

Moreover, the role of the Commission should not, by imposing strict restrictions on the free professional activity of the persons referred to in Article 68(par1) of Law 4622/2019, ultimately discourage capable and specialized executives from taking up



positions in public bodies. Furthermore, anyone who has taken up a position of responsibility in a public body has been selected by the Government because of the relevance of their expertise to the subject matter of the position in question, in order to contribute to the progress of the public body's work. This expertise may secure them a position in another body after the end of their term in the public body and, therefore, the slightest connection between the competence of the body from which a person under audit comes and the field in which he will be employed should not, in itself, lead to an absolute prohibition on taking up a new position.

As stated in the Explanatory Memorandum to Law 4622/2019 on Article 73, *"A conflict of interest (and, accordingly, the safeguarding of the public interest) may arise even after the expiry of the term of office of the persons appointed to the positions referred to in Article 68 hereof.*

.....

Consequently, paragraph 1 of Article 73 of this draft law defines (indicatively and not exhaustively) the relevant situation of conflict of interest that may arise even after the expiry of the term of office of the persons concerned, as follows: (a) through the provision of services on their part, under any legal relationship, to a natural or legal person of private law, domestic or foreign, or (b) through their participation in the capital or management of the above legal entities, except in cases of acquisition of shares, corporate interests, or other rights through inheritance. The above situations (a) and (b) apply in the case of natural or legal persons related to cases handled by the persons referred to in Article 68 or by entities supervised by them, or with decisions taken during their term of office."

The application under consideration is admissible as it has the required legal form of an application under Article 73 (par1and 2) of Law 4622/2019, given that its content is specific as regards the intended professional activity to be carried out by Mr....., as an employee in a private capital company, and, secondly, it is submitted by a person who is legally entitled to do so, since Mr....., a regular civil servant, has served as Interim Governor of the D.Y.P.A. of the Ministry of Labor and Social Security (formerly the Ministry of Labor and Social Affairs), and therefore has the capacity provided for in Article 68(par1, section c) of Law 4622/2019.



In addition, he must submit the above application to the Ethics Committee, pursuant to the provisions of Article 73 par. 1, 2 of Law 4622/2019 on the basis of the aforementioned capacity, which it acquired by virtue of No. 60282/28-6-2022 (Government Gazette Y.O.D.D. 536/28-6-2022) decision of the Minister of Labor and Social Affairs and subsequently lost it upon acceptance of his resignation, by decision No. 5016/24-2-2025 of the Minister of Labor and Social Security (Government Gazette Y.O.D.D. 155/27-2-2025). Consequently, one (1) year has not elapsed since his departure from the above position.

It should be noted that, by email ref. no....., the above, in the context of the examination of his previous application, on which Decision No. 19/2025 was issued, submitted to the Ethics Committee, the under ref. no.....unpaid leave for five years sincewhich he received from the D.YP.A. and the permission with ref. no. to engage in private work for remuneration, on condition that, in accordance with Articles 68, 73, and 74 of Law 4622/2019, he will submit to the Service, the required permission. The subject for which he received the above license is, as he had requested in his application with ref. no. towards the D.YP.A., the development of strategic consulting services for the public sector, institutional bodies, and the international and European market, tailored to the needs of agencies and businesses, as well as monitoring their effective implementation, provided that the above project concerns a subject that is not competitive with the core activities of the D.YP.A. With regard to further examination, the application of Article 73 of Law 4622/2019, it must be examined whether the professional activity described in the application under consideration, carried out by the applicant as an employee of the above company, is related to the activity of D.YP.A. in which he served as Interim Governor, and whether this could create a conflict of interest situation within the meaning of Article 71(par2 and 3) of Law 4622/2019.

In particular, it should be investigated whether there is any connection between the object of the activity of D.YP.A. and the professional activity that the applicant wishes to pursue in the company under the name, as an employee, with the main tasks, as stated in the application under consideration, mainly involving administrative and strategic management, planning, implementation, and monitoring of consulting projects..



Firstly, as defined in Article 3(par1) of Law 4921/2022 (Government Gazette A 75/18.04.2022) "Jobs Again: Reorganization of the Public Employment Service and digitization of its services, upgrading of workforce skills and diagnosis of labor needs, and other provisions.":

"1. The Manpower Employment Organization and Unemployment Insurance which was established by Law 2961/1954 (A' 197), was renamed as Manpower Employment Organization (O.A.E.D.) by legislative decree 212/1969 (A' 112), and renamed as "Public Employment Service" (D.YP.A), is a legal entity under public law, based in Athens, and supervised by the Minister of Labor and Social Security, subject to subparagraph (aa) of the third subparagraph of paragraph 2 of Article 2 of Presidential Decree 77/2023.

The objectives of the D.YP.A. in accordance with paragraph 3 of the above article are:

- a) The implementation of government policy to promote employment and combat unemployment, as well as contributing to the formulation of this policy,
- b) The care for the unemployed, especially those belonging to vulnerable social groups, through policies such as unemployment insurance, assistance in finding jobs, facilitating integration or reintegration into the labor market, and training;
- c) The care for workers, and in particular for specific categories of workers as defined by law, through allowances or other benefits and programs;
- d) The implementation of government policy on vocational education and training and the development of skills of the workforce, as well as linking it to the labor market;
- e) The monitoring of the labor market and liaising with businesses,
- f) The implementation of government policy on the workforce and their families, as well as on young people in general or other specific categories as provided for by law from time to time, with regard to their housing assistance and protection and other forms of support such as the granting of allowances, subsidies, financing or other benefits and programs,
- g) The development of social, tourist, and cultural activities for the benefit of the workforce and their families,
- h) The assistance in the collective organization and representation of the workforce



i) The participation in the planning and implementation of the national reform program relating to policies falling within the remit of the D.Y.P.A.

According to Article 4 of the above law

"The administrative bodies of the D.Y.P.A. are the Governor, the three (3) Interim Governors, the Board of Directors, and the Council of Social Partners."

According to Article 8, paragraphs 1-4, "Powers of Interim Governors" of the above law: The Governor is assisted in his work and replaced by three (3) Interim Governors.

1. The order in which the Interim Governors replace the Governor is specified in their appointment decision.
2. Each Interim Governor may authorize the heads of the General Directorates, Directorates, Regional Directorates, Sub-Directorates, and Departments under their supervision to sign, on their behalf, documents falling within their competence. This decision may be freely revoked in whole or in part with regard to the powers delegated.
3. The first Interim Governor, according to the order of succession, participates in the Boards of Directors of the D.Y.P.A. In the event of the absence or incapacity of the Director or one of the Interim Governors, the next Interim Governor in the order of succession shall participate in the Boards of Directors.

The powers of the Board of Directors are defined in Article 10 (items a-h) of the above law, as follows:

1. The Board of Directors has the following powers:
 - a) Together with the Governor, it specifies the government policies relating to the objectives of the D.Y.P.A. It plans the implementation of the objectives of the D.Y.P.A. and recommends to the Ministry of Labor and Social Affairs the legislative and regulatory arrangements necessary for this purpose.
 - b) submits a proposal for the establishment and amendment of the D.Y.P.A. Organisation to the Ministry of Labour and Social Affairs, in accordance with paragraph 3 of Article 5 of Law 2956/2001 (A' 258),
 - c) approves and amends the budget of the D.Y.P.A., as well as the financial statements of the D.Y.P.A.,
 - d) decides on the exercise of legal remedies and means, as well as the settlement,



judicial or extrajudicial, of disputes between the D.Y.P.A. and third parties,

e) manages the movable and immovable property of the D.Y.P.A., including public property transferred to it for the purposes of Article 3, and ensures that it is used in every appropriate manner to serve its purposes, such as the construction of new social housing at the expense of the D.Y.P.A., the reconstruction or renovation of existing properties for use as social housing, the transfer of properties through barter system or leasing system,

f) decides on the implementation of projects, the procurement of products and services, including studies, and exercises the powers of the D.Y.P.A. as the contracting authority,

g) decides on the purchase and lease of real estate and movable property and their acquisition for use, in any appropriate form of contract, to serve the purposes of the D.Y.P.A.,

h) manages the resources from the accounts of the D.Y.P.A.,

Mr.appointed by Decision No. 60282/28-6-2022 (Government Gazette Y.O.D.D. 536/28-6-2022) of the Minister of Labor and Social Affairs as the first in line for replacement Interim Governor and, as such, participated ipso jure in the Board of Directors of the D.Y.P.A. during the period from July 1, 2022 to November 2, 2023 (Government Gazette Y.O.D.D. 543/1-7-2022, 1185/2-11-2023).

According to the information attached by the applicant in his first application, ref. no. 50/28-02-2025, during his term of office as Interim Governor of the D.Y.P.A., were transferred to him, by the relevant decisions of the Governor (Government Gazette B 3736/15-7-2022, 3799/20-7-2022 (correction of error), 6267/12-12-2022, 4369/7-7-2023, 6395/7-11-2023, 6401/8-11-2023, 705/31-1-2024, 1053/13-2-2024 (correction of error), 3607/20-6-2024, and 5170/12-9-2024) responsibilities, as summarized below, for issues related to matching supply and demand in the labor market, counseling, active employment policy programs, unemployment insurance, and general issues related to the support of the services of the D.Y.P.A., namely e-government, human resources, procurement, technical services, and technical works, and the possibility of submitting questions to the Legal Services Directorate of the D.Y.P.A. on issues related to the transferred powers.

Furthermore, by virtue of the relevant decisions of the Governor (Government Gazette



B' 3948/26-7-2022, 5714/8-11-2022, 6401/8-11-2023, 705/31-1-2024), the applicant was also delegated the responsibilities of the principal authorizing officer for all types of expenditures exceeding thirty thousand (30,000.00) euros that fall within his substantive competence (Government Gazette B' 3948/2022), as well as for expenditures of a certain amount that fall within the substantive competence of the Directorates and Independent Departments directly under the Governor, as well as within the competence of the Independent Department of Immediate Actions and Interventions, regarding expenditures of the Administrative Services, related to the procurement of goods, materials, projects and the provision of services, including studies, the conduct of leases, and the execution of projects.

The Single-Member Private Company (IKE) under the name was incorporated onwith Tax Identification Number (TIN) and General Commercial Registry (GEMI) number A copy of the Articles of Association of the aforementioned company was attached by the applicant to his pending application, as well as the relevant Announcement of its registration in the General Commercial Registry (GEMI).

In accordance with Article ... - Purpose of the Articles of Association of the company, as registered with the GEMI following amendment, based on No. ... and by Minutes of the Extraordinary General Meeting of its sole shareholder:

.....

In addition, according to the relevant entries in the GEMI, the company operates under the main Activity Code Number (ACN):

.....

From the above, it can be concluded that the purpose of the company under the name and its activities, in conjunction with the subject of the salaried employment that the applicant intends to provide to it, are not, at first



glance, related to the responsibilities of the D.Y.P.A. in which the applicant served as Interim Governor from 28 June 2022 to 27 February 2025.

In particular, the D.Y.P.A. has as its general objective the implementation of government policy to promote employment and combat unemployment, while the applicant's professional duties at the above company mainly concern administrative and strategic management, planning, implementation, and monitoring of consulting projects.

The above consulting projects relate, indicatively, in accordance with Article .. of the company's articles of association, to the provision of advice on financial and strategic management issues, the provision of financial and investment advice, the provision of management consulting services, etc.

It should be noted that the applicant, in its application No. 80/6-5-2025 to the Ethics Committee, confirms that the company with the trade name.....has never entered into a contract with D.Y.P.A. and that the nature of the company's activities is not related to the duties performed by the applicant as Interim Governor of D.Y.P.A. during his term of office.

After researching the posted information on the website of the Program "DIAVGEIA," it was found that the above company enters into contracts enters with public bodies such local government agencies of the First and Second Degree, Independent Authorities, and Universities, for the provision of consulting services on investment, research and development, support for the Computerization Department for the effective implementation of strategic planning by agencies, for the maturation of regional projects, for real estate management, etc. Consequently, future cooperation between D.Y.P.A. and the above company for the provision of consulting services related to the general operation and exercise of D.Y.P.A.'s responsibilities cannot be ruled out.

In this case, if the applicant was responsible for administrative and strategic management, planning, implementation, and monitoring of consulting projects relating to the D.Y.P.A., or if he participated in the negotiation of a relevant contract, in view of the indicative subject matter of the position to be filled, a conflict of interest situation could arise in view of the duties he performed during his term of office as Interim



Governor of the D.Y.P.A. In particular, given the short time since his departure from the Service, he is likely to know the employees, his former subordinates, and those responsible for the issues of providing consulting services to the D.Y.P.A., and consequently, it would be possible for a question of undue influence, even indirectly, to arise in relation to these persons in the performance of their duties. In addition, he may possess confidential information that is not accessible to the public, which could be used in the context of performing the relevant consulting work or, in general, promoting the company's purpose.

However, the above hypothetical case should not lead to the refusal to grant the requested permission to exercise a professional activity, resulting in harm to the applicant's professional freedom, financial situation, and overall personal development.

In view of the above, the Ethics Committee unanimously decides:

To grant Mr., a permanent civil servant and former Interim Governor of D.Y.P.A., the requested permission to exercise the professional activity in the company under the trade name as indicated in his application (ref. no. 80/06-05-2025), on the condition that, for a period of one year following the conclusion of his tenure as Interim Governor, he shall abstain from negotiating or executing service contracts between the aforementioned company and D.Y.P.A.

**The Chairman
of the Ethics Committee**

Paraskevas Nomikos

The Secretary

Vasiliki Tsaroumi