

NATIONAL TRANSPARENCY AUTHORITY
ETHICS COMMITTEE OF ARTICLE 74 OF LAW 4622/2019

DECISION 11/2024

The Ethics Committee of Article 74 of Law 4622/2019 met in session on February 12, 2024, Monday, at 10:00 a.m. following the invitation of February 6, 2024, sent by the acting Chairman of the Ethics Committee to the other regular 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: Nikolaos Douladiris, acting as Chairman of the Council pursuant to the decision of the Management Board of the National Transparency Authority dated 18.01.2024 of and, by extension, in accordance with Article 74(par.2) of Law 4622/2019, as acting Chairman of the Ethics Committee (Chair), Konstantinos Georgakis, Legal Adviser to the State (regular member), Nikolaos Karagiorgis, Legal Adviser 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.

The purpose of the above meeting was to discuss the application filed under protocol number 4639/01.02.2024 of Mr., who served from September 2019 to July 2023 as Secretary General of Health Services by joint decision of the Prime Minister and the Minister of Health. On 21/07/2023, the applicant submitted his resignation from the above position, which was accepted on 25/07/2023 by joint decision of the Prime Minister and the Minister of Health. In his application, he requests the Committee's permission to perform, in parallel with his already approved employment (by Committee Decision No. 9/2023), academic duties, namely on one hand, teaching duties as an external collaborator at Higher Education Institutions in Greece and, on the other hand, research duties through his participation in research projects funded by the European Commission in the field of Digital Health.



Pursuant to Article 73 of Law 4622/2019, it is stipulated, 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) the General and Special Secretaries, as well as the Coordinators of the Decentralized Administrations, (c) the Presidents or heads of Independent Authorities and the Presidents, Vice-Presidents, Governors, Interim Governors, Sub-Governors, managing directors 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, since this could create a conflict of interest within the meaning of Article 71 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 of 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 shall 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 engaging in the activity to which the application relates. If the Committee does not decide within the specified time limit, the license shall be deemed to have been granted. The Committee, which, pursuant to Article 73(par.3), fourth subparagraph, of Law 4622/2019, may request from the applicant any additional information it deems necessary for taking a decision, it may, by its decision, taken at its discretion, pursuant to Article 73(par.4) of Law 4622/2019, which is 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 absolutely. 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 Committee may determine reasonable compensation for the person, that is borne by the State Budget.



The application in question is admissible and lawful before the Committee because, on one hand, it has the required legal form of an application under Article 73(par.1) and (par.2) of Law 4622/2019, and, on the other hand, it is submitted by a person who is legally entitled to do so, as the applicant falls within the scope of Article 68(par.1)(b) of Law 4622/2019, which includes General and Special Secretaries in its personal scope of application. In particular, the applicant served from September 2019 to July 2023 as General Secretary for Health Services by joint decision of the Prime Minister and the Minister of Health. On July 21, 2023, the applicant submitted his resignation from the above position, which was accepted by a joint decision of the Prime Minister and the Minister of Health, published in the Government Gazette on July 25, 2023. Consequently, one year has not yet elapsed since the applicant's retirement, which means that he is still subject to the obligation to obtain permission from the Ethics Committee.

The member of the Ethics Committee, Mr. Laskaratos, before examining the substance of the application under consideration, expressed his concern as to whether the application under consideration falls within the scope of Article 73(par.1) of Law 4622/2019 and, consequently, within the competence of the Committee, given that, according to the provisions of the above article, persons appointed to the positions provided for in Articles 68 and 76(par.4, section b) of Law 4622/2019 (as in force) are required, for one (1) year after their retirement, 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. In this case, in the opinion of Mr. Laskaratos, the new professional activity desired by the applicant, considered in the light of his previous public position, does not, at first sight, appear to raise any issue of conflict of interest. The Committee, after a thorough discussion, decided that it should decide on an ad hoc basis on each application submitted to it, in order to resolve on a case-by-case basis the question of any relevance and any conflict of interest in the light of the facts of each case. It therefore decided to examine the substance of the application and to investigate whether the pursuit of the professional activity desired by the applicant could in fact give rise to a conflict of interest.

In order to investigate the existence of a link between the activity of the body for which the applicant worked and the professional activity that the applicant wishes to undertake, it should be noted that the Secretary-General of Health Services is responsible for supervising, immediately after the Minister and the Deputy Minister, of



the services falling within the General Secretariat, namely, as specified in Article 8 of Presidential Decree 84/2019 (Government Gazette A 123/17-07-2019), the General Directorate of Health Services, the Independent Department for the Protection of the Rights of Health Service Users, the Independent Department for the Organization and Operation of Health Regions. and the Independent Department of Procurement. According to the Organisation of the Ministry of Health, i.e. Presidential Decree 121/2017 (Government Gazette A 148/17-07-2017), the General Directorate of Health Services aims to ensure universal and equal access to the provision of qualitatively and quantitatively adequate health care services by the National Health System and to regulate and supervise health care providers of the private sector. Pursuant to the above Presidential Decree, the Independent Department for the Protection of the Rights of Health Service Users focuses on formulating policy for the protection of the rights of health service users, the Independent Department for the Organization and Operation of Health Regions is responsible for the organization, operation, and supervision of Health Regions, while the Independent Department for Treatment Protocols and Patient Registers is responsible for developing, processing, and updating diagnostic and treatment protocols for prescriptions, as well as patient registers.

In addition, the former Deputy Minister of Health had transferred to the applicant responsibilities relating to the following organizational units: the Mental Health Directorate, the Directorate of Medical, Other Health Scientists and Health professionals (except for responsibilities relating to the design and implementation of policies on education, retraining, specialization, and continuing professional development), the Nursing Directorate and the Independent Department for the Protection of the Rights of Health Service Users. In addition to the above, as the applicant had informed the Ethics Committee, he had not been assigned any other responsibilities beyond participating in or coordinating teams with the following objectives: monitoring hospital stocks of personal protective equipment, the design of the National Framework for Electronic Health Interoperability, the protection of public health against COVID-19, the preparation of the National Development Program of the Ministry of Development and Investments, the development of clinical studies and biomedical research in Greece, the monitoring of pharmaceutical expenditure, the completion of diagnostic/therapeutic protocols, and the creation of Patient Registers.

With regard to the subject of the new professional activity that the applicant wishes to pursue, he clarifies that, in parallel with his employment as general manager of a non-



profit association of pharmaceutical companies, for which he has already received conditional approval from the Ethics Committee, he wishes to perform academic duties and, in particular, as specified in the application under consideration, to participate in research projects funded by the European Commission. Specifically, his duties, according to the content of the application under consideration, will relate to actions under the European Union's research and innovation program "HORIZON EUROPE 21-27," as well as the program "HORIZON 2020." These programs fund projects in the field of health, and specifically in the field of digital health, which is the subject area of his doctoral thesis and in which he has been conducting research in recent years, participating in research projects that have resulted in important publications in prestigious scientific journals and participation in international scientific conferences.

Taking into account the above, the Committee considered that the academic activity that the applicant wishes to pursue, examined in the light of the responsibilities he exercised during his term as Secretary General of Health Services, do not raise any issues of conflict of interest. This is because it does not involve the provision of services to a legal entity of private law or participation in its capital or management as defined in Article 73(par.1 section b) of Law 4622/2019, but rather an academic activity, namely teaching and research within the framework of European research programs with the sole aim of strengthening the scientific and technological base of the European Union, including, through the development of solutions for policy priorities such as the digital transition. Therefore, the entities with which the applicant wishes to be employed are not entities supervised by the Ministry of Health. Furthermore, the nature of the new activity desired by the applicant does not give rise to any possibility of exploiting the relationships he developed and the information he acquired during his term as Secretary General of Health Services for the purpose of granting preferential access to the entities he wishes to work for in the services of the Ministry of Health, with the ultimate aim of obtaining privileges or concluding a contract for the supply of products or services. Furthermore, the applicant's scientific knowledge that will be used in teaching and research within the framework of the above-mentioned programs existed prior to his term of office and, in addition, the subject matter of these programs is identical to the subject of his doctoral thesis, as well as to the subject matter of his entire academic career and, in particular, his research and writing work, namely the field of digital health.

In view of the above, the Committee unanimously decides to grant the applicant



permission to take up academic duties under the European Union's program for research and innovation "HORIZON EUROPE 21-27" and the "HORIZON 2020" program without conditions or restrictions.

The Chairman of the Ethics
Committee

Nikolaos Douladiris