

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

DECISION 12/2024

The Ethics Committee of Article 74 of Law 4622/2019 met in session on March 8, 2024, Friday, at 10:00 a.m. following the invitation of February 27, 2024, sent by the 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, as Chairman of the Management Board pursuant to the decision of the Management Board of Directors of the National Transparency Authority (NTA) dated January 18, 2024, and, by extension, in accordance with Article 74(par.2) of Law No. 4492/2016, as Chairman of the Ethics Committee (Chairman), 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 For Civil Personnel Selection (ASEP) (regular member) and Andreas Pottakis, Ombudsman (regular member). Secretarial support was provided by Eleni Magkafa, a Secondary education category employee, administrative secretary 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 with incoming protocol number 8164/22.02.2024 submitted by Mr....., who served from 09.07.2019 to 26.05.2023 as Deputy Minister of Foreign Affairs and from 27.06.2023 to 11.09.2023 as Minister of Maritime Affairs and Insular Policy. The applicant's resignation from the position of Deputy Minister of Foreign Affairs was accepted by the President of the Republic (by Presidential Decree 69/2023), following a proposal by the Prime Minister, on May 25, 2023, and published in the Government Gazette on May 26, 2023 (Government Gazette A 120/26-5-2023), and his resignation from the position of Minister of Maritime Affairs and Insular Policy was accepted by the President of the (by Presidential Decree 86/2023), following a proposal by the Prime Minister, on September 11, 2023, and published in the Government Gazette on the same



day (Government Gazette A 151/11-9-2023). By application dated 22.02.2024 submitted to the Ethics Committee, he requests permission to take up the position of Executive Chairman of the Board of Directors of the public limited company with the distinctive title "... A.E., whose object is to invest in the Skaramanga Shipyards. In particular, he wishes to represent the company in dealings with third parties and to convene and participate in the meetings of its Board of Directors.

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, corporate interests 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 Commission does not decide within the specified time limit, the license shall be deemed to have been granted. The Commission, which, pursuant to Article 73(par.3), fourth subparagraph, of Law 4622/2019, may request the applicant to provide any additional information it deems necessary for its decision, may, by its decision, taken at its discretion, pursuant to Article 73(par.4) 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 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 before the Committee, as on one hand, has the required legal form of the 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, since, both in his capacity as former Deputy Minister of Foreign Affairs and in his capacity as former Minister of Maritime Affairs and Insular Policy, he falls within the persons referred to in Article 68(par1)(a) of Law 4622/2019, which includes in its personal scope of application members of the Government. Furthermore, he is required to submit the above application to the Ethics Committee pursuant to Article 73(par.1) of Law 4622/2019, having acquired both of the aforementioned capacities, given that one year has not elapsed since the completion of his ministerial duties in relation to either of his previous capacities. The parliamentary status he also held until January 25, 2024, does not make him a person required to obtain permission from the Ethics Committee for any activity he wishes to pursue before the expiry of one year from his resignation from the latter position, as members of parliament are not included among the persons referred to in Article 68 of Law 4622/2019.

Since the applicant's status as former Deputy Minister of Foreign Affairs is not relevant to his desired future activity in such a way as to give rise to a conflict of interest, it must be examined whether the pursuit of that professional activity by the applicant, in the light of his former position as Minister of Maritime Affairs and Insular Policy, could in fact create a conflict of interest within the meaning of Article 71(par.2) and (par.3) of Law 4622/2019.

In order to determine whether there is a connection between the activities of the Ministry of Maritime Affairs and Insular Policy, of which the applicant was the head, and the professional activity which he wishes to pursue, the content of Presidential Decree 85/2012 (Article 5) is examined, as amended by Presidential Decree 94/2012, of Law 4150/2013 (Article 1) and Presidential Decree 70/2015 (Article 2), which stipulate that the responsibilities of the Ministry of Maritime Affairs and Insular Policy



are: (a) the planning of maritime policy with a view to promoting and protecting the interests of Greek merchant shipping and its links with the national economy, the development of maritime education and maritime employment, as well as the protection of the marine environment, the design and implementation of an integrated island policy and the development of maritime tourism and maritime transport and communications, the safety of navigation and of human life and property at sea, the prevention and suppression of illegal activities within the areas of competence of the Hellenic Coast Guard, and the control of maritime borders, b) the formulation of port policy, the supervision of port infrastructure of all types and the promotion of the national port system as a factor in the development of the country's economy, islands and shipping, c) organizing and operating the Hellenic Coast Guard. The Ministry is also responsible for national coordination of the monitoring of the EU's Integrated Maritime Policy.

Furthermore, according to Article 2 of Law 4150/2013, the bodies and organizations supervised by the said Ministry are: a) Port Authorities S.A., b) Port Funds under the jurisdiction of the Ministry, c) the Seamen's Home Fund (Oikos Nautou), d) the Hellenic Chamber of Shipping, e) the Maritime Employment Office, f) the Institute of Maritime History, g) the Port Authority Assistance Fund– of the Hellenic Coast Guard, h) the Floating Museum Neraida of Article 4 of Law 4081/2012, and i) the Research Institute for Island Policy.

From the above, it appears *prima facie* that the Skaramanga Shipyards do not belong to the entities supervised by the said Ministry, given that the establishment and implementation of the legislative framework for the licensing of shipbuilding activities and the operation of shipbuilding facilities fall outside the remit of the Ministry of Maritime Affairs and Insular Policy, and the area where the Skaramanga Shipyards are located does not include any designated port facilities, let alone a port. Furthermore, according to the Organization of the Ministry of Maritime Affairs and Insular Policy (Presidential Decree 13/2018), the following Directorates and Departments of the Minister's Office do not include any Directorate or Department responsible for the licensing and operation of shipbuilding facilities, since the Minister's Office includes: a) the Executive Office, which, in accordance with the specific instructions of the Minister, assists him in the performance of his duties, ensures the preparation of the Minister on issues relating to the areas of responsibility of the Ministry, coordinates the actions of the Ministry's Services, monitors and reports on the progress of approved actions and measures to achieve the Ministry's strategic and operational objectives on



the basis of the relevant timetables, b) the Independent Department of Legislative Initiative, c) the Parliamentary Office, d) the Internal Affairs Service, e) the Internal Audit Unit, f) the Directorate of Civil Defense - Civil Protection and Maritime State Transport Policy, g) the Media and Public Relations Office, and h) the Body of Inspectors-Auditors, which operates at the level of a General Directorate.

Furthermore, the Ministry of Maritime affairs and Insular Policy includes Directorates with responsibilities relating to shipbuilding, maritime investments, the supervision and organization of shipbuilding and repair activities, namely:

1) the Ship Inspection Branch, which includes the Ship Design and Construction Directorate, responsible for the design, construction, equipment, and safety systems of ships under the Greek flag in the areas of maritime safety and pollution prevention; monitoring the international and EU legislative framework and drafting technical regulations for ships, as well as providing relevant guidelines for the implementation of the technical legislation in force for the construction and equipment of ships under the Greek flag. The above Directorate comprises: Construction, Stability and Accommodation Department, Mechanical and Electrical Installations Department, Systems and Equipment Department, Pollution and Cargo Prevention Department, and Coordination and Technical Regulations Department (Article 27 of Presidential Decree 13/2018).

2) the General Secretariat for Ports, Port Policy and Maritime Investments, which includes:

i) the Directorate of Maritime Investments and Maritime Tourism, which is responsible for attracting and promoting the implementation of maritime investments in the port and maritime sectors, as well as for designing, recommending and implementing measures and programs aimed at developing maritime tourism and sea transport. This Directorate is composed of a) the Maritime Investment Department, which, among other things, proposes measures for the development of maritime centers and industries related to maritime equipment and ship supply, in cooperation with the relevant ministries with a view to developing maritime spatial planning, and cooperates with the competent service of both the Ministry of Economy and the Ministry of Development and Investments in the design and implementation of the relevant Development/Investment Law, b) the Department of Maritime Tourism Development and Maritime Tourism Investments, and c) the Department of Professional Tourist



Vessels and Recreational Ship Companies (Article 64 of Presidential Decree 13/2018).

ii) the Directorate of Shipbuilding and Ship Repair Activities, which is responsible for attracting and promoting investment in the shipbuilding and ship repair sector, as well as for supervising and better organizing shipbuilding and ship repair activities. This Directorate consists of the following Departments: a) Department of Shipbuilding, Repair, Conversion and Demolition, which is responsible, among other things, for strengthening the competitiveness of shipbuilding and ship repair companies through co-financed EU programs, as well as for monitoring and proposing measures relating to the development of shipbuilding and ship repair yards, shipbreaking yards, and other productive sectors and industries related to the shipbuilding and repair industry; b) Department for the Supervision and Organization of Shipbuilding and Ship Repair Activities, which is responsible for monitoring legislative developments concerning shipbuilding and ship repair activities and recommending measures for harmonizing national legislation with European Union guidelines, monitoring developments in the provision of shipbuilding and ship repair services in Greece, gathering and studying data and proposing measures for the better organisation and development of shipbuilding and ship repair activities in the country, proposing the drafting, amendment and publication of operating regulations for shipbuilding and ship repair zones and the activities permitted therein, recommending measures to improve the spatial organization of shipbuilding and ship repair companies, as well as to shape the institutional framework governing the location, demarcation, and environmental licensing of shipbuilding and ship repair activities, in cooperation with the Port Police Directorate, the Port and Building Infrastructure Directorate and the Marine Environment Protection Directorate; and (c) The Department of Recreational Craft Construction and Equipment (Article 66 of Presidential Decree 13/2018).

Based on the specific provisions of Articles 7 and 8 of Law 4949/2022 on the Skaramanga Shipyards, the Ministry of Maritime Affairs and Insular Policy is involved, within its remit, on one hand in defining the general framework for the integrated utilization, sustainable growth, and operation of the Skaramanga Shipyards, namely the Integrated Development Plan (Article 7), and, on the other hand, in specifying and implementing the above framework for the execution of the investment plan in question (Article 8). In particular, the Integrated Development Plan provided for in Article 7 of Law 4949/2022 is drawn up by the Department of Special Spatial Development Plans for Strategic Investments of the General Directorate for Strategic Investments of the



Ministry of Development and Investments and is approved by a relevant presidential decree, issued upon the proposal of the Ministers of Development and Investments, Finance, National Defense, Environment and Energy, as well as Maritime Affairs and Insular Policy. Furthermore, in accordance with Article 8 of the above law, the specification and implementation of the framework for the execution of the Plan requires the issuance of a joint decision by the Ministers of Development and Investment, Finance, National Defense, Environment and Energy, as well as Maritime Affairs and Insular Policy. In addition, pursuant to paragraph 7 of Article 7 and paragraph 7 of Article 8 of the above law, by decision, inter alia, the Minister of Maritime Affairs and Insular Policy, following a recommendation by the Central Council for the Utilization of Public Property and the Central Council for Urban Planning Issues and Disputes, individual and minor amendments may be made to the above Draft and to the joint ministerial decision, respectively.

Taking into account the above, although there are Directorates of the Ministry headed by the applicant, which have competences relating both to the legislative framework on technical issues concerning the construction and safety systems of ships under the Greek flag and to measures to improve industries active in the field of shipping equipment, as well as with the strengthening of financing for shipbuilding and ship repair yards, monitoring legislative and practical developments in the provision of shipbuilding and ship repair services, supervising shipbuilding and ship repair activities by proposing regulations and recommendations for their better organization, the aforementioned Directorates were not involved in the process of granting fast-track licensing for the investment in the Skaramanga shipyards, as this is regulated exclusively by the specific Law 4949/2022, pursuant to Article 6 of which all decisions are taken by other ministries (Ministry of Development and Investment and Ministry of Finance).

Furthermore, the responsibilities of the above Directorates of the Ministry of Maritime Affairs and Insular Policy, which relate to the regulation of technical issues concerning shipbuilding and safety systems, the strengthening of financing for shipbuilding and repair yards, monitoring legislative and practical developments, and supervising shipbuilding and ship repair activities, may be implemented at a later date, given that the presidential decree approving the Integrated Development Plan has not yet been issued. In any case, as stated by the applicant in his application, the file containing the documents required for the issuance of the presidential decree provided for in Article 7



of Law 4949/2022, will be submitted by Skaramanga Shipyards to the competent Directorate of the Ministry of Development and Investments around the end of this year and at the beginning of next year (December 2024 to February 2025), i.e. well after the acceptance of the applicant's resignation from the position of Minister of Maritime Affairs and Insular Policy.

The member of the Ethics Committee, Mr. Laskaratos, expressed the following opinion: «According to the Organization of the Ministry of Maritime Affairs and Insular Policy (Presidential Decree 13/2018) and, in particular, in accordance with Article 66 thereof, the Shipbuilding and Ship Repair Activities Directorate is responsible for attracting and promoting investment in the shipbuilding and ship repair sector and consists of three departments, which have, among other things, the following responsibilities: Shipbuilding, Repair, Conversions and Demolition of Ships, as well as the Construction and Equipment of Recreational Craft. The company under the name ".... A.E.", of which the applicant intends to become Executive Chairman, as appears on the internet, has its registered office at (street no. ...) and its chairman is....., the object of its activities is the construction of ships and floating structures, the construction of recreational and sports boats, as well as the repair and maintenance of ships and boats. The activities of this Company are directly related to the responsibilities of the above Directorate of the Ministry's Organization and, regardless of the implementation of the investment by the Company in the Skaramanga Shipyards at a future date, which will be involved in shipbuilding and related work, I am of the opinion that the duties of the applicant Minister in his previous position at the Ministry are related to the activities of the company in which he is to take up a position on the Board of Directors, which creates a conflict of interest. Furthermore, the applicant's claim that during his time at the Ministry he had no contact with the Directorate in question, no ministerial decision concerning the Directorate was issued, nor did the Minister's Office deal with issues relating to it, and therefore no connection with the position he intends to take up is established, is unfounded, since the law requires the Committee to determine whether the duties – the activities carried out by the applicant are related to the activities he will undertake in the new body, without, in my opinion, investigating whether or not those powers were exercised.»

The Commission, after a dialogue, decided that it should proceed with its decision, under the explicit reservation that the scope of the company in which the applicant wishes to be employed is, as it is apparent from the content of his application/statement



under consideration, the implementation of the investment in the Skaramanga Shipyards.

Therefore, as it is clear from the above, during his term as Minister of Maritime Affairs and Insular Policy, the applicant did not participate in the inclusion of specific investment to the fast-track licensing scheme, nor was he involved in any other procedure relating to the Skaramanga Shipyards and, therefore, does not possess confidential information not accessible to the public which could be used in the exercise of the activity referred to in the application under consideration. Furthermore, the applicant does not intend, at least until the submission of the required file by the investment implementation body and the applicant's future employer to the competent service of the Ministry of Development and Investment, as mentioned above, be called upon to negotiate with or be subject to control by his former subordinates or associates in the context of carrying out the activity he wishes to pursue, so that the question of undue influence by those persons in the performance of their duties may arise.

In view of the above, the Committee decides by majority to grant the applicant the permission to exercise the professional activity he desires, as specified in his application dated 22.02.2024, on the condition that he shall not represent, until the completion of one year from the end of his term as Minister of Maritime Affairs and Insular Policy, namely. until 11.09.2024, the company in which he wishes to be employed, in any meeting with the leadership or officials of the Ministry of Maritime Affairs and Insular Policy.

The Chairman of the Ethics
Committee

Nikolaos Douladiris