



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

DECISION 8/2023

The Ethics Committee of Article 74 of Law 4622/2019 met in session on October 10, 2023, Tuesday at 10:00 a.m., following the invitation of the Chairman to the other regular and alternate members dated 05.10.2023, which was sent by email along with agenda. The meeting was held by teleconference and was attended by the following members of the Ethics Committee: Menelaos Tsouplakis, Chairman of the Management Board of the National Transparency Authority (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 the Supreme Council for Civil Personnel Selection (regular member) and Andreas Pottakis, Ombudsman (regular member). Secretarial support was provided by Eleni Magkafa, 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 request with incoming protocol number 38580/15.09.2023 submitted by Mr....., former Secretary General for Telecommunications and Postal Services at the Ministry of Digital Governance from November 2020 until July 22, 2023, when he resigned. The applicant wishes to be granted the Committee's permission to take up a senior executive position in a multinational company that manufactures technological equipment for the telecommunications and renewable energy sectors and also operates in Greece. This application was completed after the additional information requested by the Committee, pursuant to Article 73(par.4)(d) of Law 4622/2019 was provided.

Pursuant to Article 73 of Law 4622/2019, it is stipulated, inter alia, that the persons appointed to the positions referred to in Article 68 of the same law, namely (a) the members of the Government and Deputy Ministers, (b) the General and Special Secretaries, as well as the Coordinators of the Decentralized Administrations, (c) the



Governors or heads of Independent Authorities and the 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 a period of 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, given the fact that 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 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(par.3), fourth subparagraph, of Law 4622/2019, may request from the applicant any additional information it deems necessary for taking a 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 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 the decisions 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, it 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 entitled to do so, as he belongs to the persons referred to in Article 68(1)(b) of Law 4622/2019, which includes General and Special Secretaries in its personal scope of application. In this case, the applicant served from November 2020 as Secretary General for Telecommunications and Postal Services at the Ministry of Digital Governance until 22/07/2023, the date on which he submitted his resignation, which was accepted by decision of the Prime Minister and the Minister of Digital Governance.

Next, it must be examined whether the pursuit of the professional activity desired by the applicant is likely to 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 which the applicant wishes to take up, it should be noted that the mission of the General Secretariat for Telecommunications and Postal Services is, pursuant to Article 37 of Presidential Decree 40/2020 (Government Gazette A 85/15-04-2020), (a) to design and develop high-quality, reliable, secure, and competitive telecommunications and postal infrastructure, networks, and services, making use of technological developments for the benefit of citizens; b) the formulation of a unified cybersecurity policy within the framework of Greek and EU legislation, to ensure a high level of security for the network and information systems of the central public administration, but also of operators of essential services and for the protection of citizens' personal data, and c) the international representation of the country on matters falling within its competence.

Pursuant to Article 38(par.2) of Presidential Decree 40/2020, the General Secretariat for Telecommunications and Postal Services includes the General Directorate for Telecommunications and Postal Services, which, pursuant to Article 38(par.1) of the above-mentioned legislative act, is responsible, among other things, for the formulation and monitoring of applications and services through the development of the telecommunications sector, the internet, new technologies, as well as for the installation and operation modern and effective electronic communications networks. The General Directorate for Telecommunications and Post also includes the Directorate for



Technological Equipment and Installations, which, pursuant to Article 41 of the above Presidential Decree, is responsible, among other things, for monitoring technological developments in the telecommunications and electronic equipment market, as well as for harmonizing the national regulatory framework for new technologies and the Internet with EU and international law, as well as for the development and updating of the regulatory framework for the operation of workshops for the manufacture, repair, or maintenance of telecommunications equipment.

As regards the precise remit of the applicant during his term of office as Secretary-General for Telecommunications and Postal Services, he stated that he was not assigned any additional responsibilities beyond his participation in working groups or his coordinating role therein. In the additional information provided, the applicant stated that, during his term of office, he did not participate either as coordinator or as a simple member in working groups whose purpose was to conclude contracts for the purchase of any equipment, either for the General Secretariat for Telecommunications and Postal Services or for the wider public sector. In response to a letter from the Committee, the applicant emphasized that the company he wishes to work for, in the context of its activities in Greece, had never developed any business relations with the General Secretariat for Telecommunications and Postal Services of the Ministry of Digital Governance or with the public sector in general. As he clarified, the company in question had never been asked to provide consulting services on specifications or best practices for the manufacture or design of telecommunications equipment meeting the needs of the General Secretariat or any other public sector body, nor did a representative of the company come of its own accord to the offices of the General Secretariat or another public sector body to encourage the use of specific technology.

With regard to the specific responsibilities of the position the applicant wishes to take up in a multinational company manufacturing technological equipment for the telecommunications and renewable energy sectors, he specified that these involve the formulation of long-term objectives and designing strategies to meet these objectives, as well as supervising the operational aspects to ensure efficient resource management. The long-term objectives of the company, as described by the applicant in the additional information provided, are to improve the manufacturing process for technological equipment by exploiting partnerships with private sector partners and with a clear focus on harmonization with European and international standards. Moreover, according to the applicant's supplementary memorandum in response to the Committee's written



questions, the activity of the company in question is limited exclusively to the manufacture of technological equipment and does not extend to the marketing of that equipment. Furthermore, it is apparent from his application that the duties associated with his desired new position, which bears the title 'Senior Executive', will include the establishment of strong relationships with private sector partners and cooperative enterprises. It follows from the above supplementary information that the establishment of strong relationships with private sector partners and cooperating enterprises is intended to serve the long-term objectives he has identified, namely to improve the manufacturing process of technological equipment and to harmonize it with European and international standards, and not the commercial promotion of the manufactured technological equipment.

Consequently, the activity of the company in whose workforce the applicant wishes to be integrated, is relevant to the general responsibilities of the General Secretariat for Telecommunications and Postal Services, and in particular to the responsibilities of the relevant General Directorate and the Directorate for Technological Equipment and Installations. Specifically, the points of intersection between the responsibilities of the General Secretariat and its Directorates and the activities of the company where the applicant wishes to work are found, on one hand, in the development and monitoring of technological applications and in monitoring technological developments in the telecommunications and electronic equipment market, and on the other hand in harmonizing the national regulatory framework for new technologies and the Internet with EU and international law, and in the development and updating of the regulatory framework for the operation of telecommunications equipment manufacturing laboratories.

With regard to the first point of relevance, it should be noted that the development of technological applications and the monitoring of developments in the market for technological equipment, do not give rise to conflicts of interest because, as the applicant states, the company in which he wishes to work is limited to developing specifications for the optimal process for manufacturing technological equipment and is not involved in placing it on the market and, therefore, there can be no commercial relationship between the General Secretariat and that company. Furthermore, the company has not provided any consulting services on specifications or best practices for the manufacture or design of telecommunications equipment meeting the needs of



the General Secretariat or any other public sector body. Moreover, the technical specifications and best practices for the development of technological applications within the relevant competence of the General Secretariat are determined exclusively on the basis of the guidelines of the competent international organization, namely the International Telecommunication Union of the United Nations and the relevant internal legislation.

As regards the second point of relevance, it should be noted that the General Secretariat focuses on harmonizing domestic law with EU and international law in the field of new technologies, whereas the long-term objectives of that company include the practical application of the relevant EU and international law and, in particular, the improvement of the manufacturing process in practice on the basis of relevant European and international standards. Furthermore, the Committee should not unduly restrict the freedom of persons with experience in a particular field to pursue their professional activities, so as not to discourage qualified personnel from taking up positions in public bodies. Finally, with regard to the regulatory framework governing telecommunications equipment manufacturers, the same rules should apply to the company in which the applicant wishes to work, regardless of whether he or she has previously worked for the General Secretariat.

Therefore, in view of the above, the Committee unanimously decides to grant the applicant the requested permission to pursue his desired professional activity as specified in his application dated September 14, 2023, and in the relevant supplementary information he provided, on condition that he refrains from entering into any contract with the General Secretariat for Telecommunications and Postal Services or with the public sector in general, either for the sale of equipment manufactured by the company in which he will be employed or for the provision of consulting services on the best practices, for the development of applications in the field of telecommunications and new technologies or for the design and manufacture of telecommunications and electronic equipment that may be required by the General Secretariat.

The Chairman of the Ethics Committee

Menelaos Tsouplakis