

Recommendations on enhancing Greece's system for the prevention and management of conflicts of interest

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Pelagia Patsoule, Policy Analyst,
Anti-corruption and Integrity in Government,
Directorate for Public Governance

www.oecd.org/gov/ethics

govintegrity@oecd.org

[#OECDintegrity](https://twitter.com/OECDintegrity)





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Methodology of the report



1. Methodology

- Questionnaire (June 2023)
- Questionnaire review and desk research (June- July 2023)
- Fact-finding mission (July 2023)
- Preliminary recommendations (September 2023)
- Validation process of preliminary recommendations (October - November 2023)
- Review and finalisation of recommendations (December – February 2024)
- Launch of final recommendations (April 2024)





Overview of recommendations



OUTCOME	MAIN RECOMMENDATION(S)
Improved legal framework for conflicts of interest	<ol style="list-style-type: none">1. Develop a single policy framework with a unified definition of conflicts of interest applicable to the entire public administration2. Amend the legislation to limit the list of existing prohibitions to move from a prescriptive towards an advisory approach to conflicts of interest
Improved institutional framework for conflicts of interest	<ol style="list-style-type: none">1. Progressing the recruitment of Integrity Advisors to increase their number across the public sector as quickly as possible2. Ensuring that the network of Integrity Advisors works effectively in practice by utilising a range of techniques to support its stated objectives and achieve the level of collaboration which it is aiming for3. Offering public office holders more training on institutional responsibilities in its integrity framework, including for members of Government, members of Parliament and political advisors.4. Targeting training on conflicts of interest at high-risk office holders5. Promoting mechanisms for information sharing
Enhanced conflict-of-interest mechanisms	<ol style="list-style-type: none">1. Distinguishing between conflict-of-interest prevention policy and financial disclosures2. Strengthen procedures and mechanisms for the prevention and management of conflicts of interest3. Improve pre-and post-employment regulations4. Enhance the asset declarations system5. Mainstream conflict-of-interest regulations through the entire Greek public administration



2. Recommendations (1)



Improve the legal framework for conflicts of interest in Greece

- Lack of a clear all-encompassing definition of conflict of interest
- Fragmentation of the legal framework and multiplicity of applicable legal provisions



- Consider developing a **single policy framework**, covering the different categories of public officials and addressing conflicts of interest, thus providing clarity to public officials.
- Establish a **unified definition of conflict of interest** including the different types of conflicts (real, apparent and potential) to implement a more strategic and preventive approach in the Greek conflict-of-interest framework.
- Amend legislation to **limit the list of existing prohibitions** and move from a prescriptive towards and **advisory approach** to conflicts of interest.



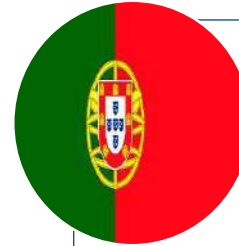
DEFINITIONAL APPROACH OF THE OECD GUIDELINES

- An actual “*conflict of interest*” involves a conflict between the public duty and private interests of a public official, in which the public official’s private-capacity interests could improperly influence the performance of their official duties and responsibilities.
- An **apparent conflict of interest** exists where it appears that an official’s private interests could improperly influence the performance of their duties, but this is not in fact the case
- A **potential conflict of interest** occurs where a public official holds a private interest which would constitute a conflict of interest if the relevant circumstances were to change in the future.

POLAND

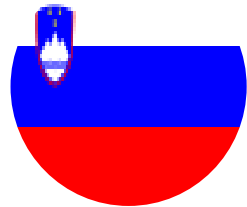


A situation of actual conflict of interest arises when an administrative employee has a family or personal relationship with an applicant. A perceived conflict exists where doubts concerning the objectivity of the employee exist



PORTUGAL

A conflict of interest is defined as an opposition stemming from the discharge of duties where public and personal interests converge, involving financial or patrimonial interests of a direct or indirect nature



SLOVENIA

Conflicts of interest are circumstances in which the private interest of an official person (a pecuniary or non-pecuniary benefit which is either to his advantage or to the advantage of his family members or other natural or legal persons with whom he maintains or has maintained personal, business or political relations) influences or appears to influence the impartial and objective performance of his public duties.



2. Recommendations (2)



Increase the effectiveness of Greece's institutional arrangements for the implementation of the conflict-of-interest legal framework

- Comprehensive but fragmented institutional framework
- There is a need to mainstream conflicts of interest rules and practices throughout the public sector



- **Progress the recruitment of Integrity Advisors**, possibly by placing the responsibility for recruitment on public bodies themselves.
- Ensure that the network of Integrity Advisors works effectively in practice by **diffusing a common doctrine regarding their mission and best practices** on complex cases, e.g. through workshops, pools of expertise and forums.
- Offer **more training** on institutional arrangements for administering conflict-of-interest rules, in particular for members of Parliament and political advisors.
- Develop targeted **training for high-risk office holders**.
- **Improve information sharing** between advisory bodies to avoid potential silos.



2. Recommendations (3)



Enhance the use conflict-of-interest mechanisms in Greece

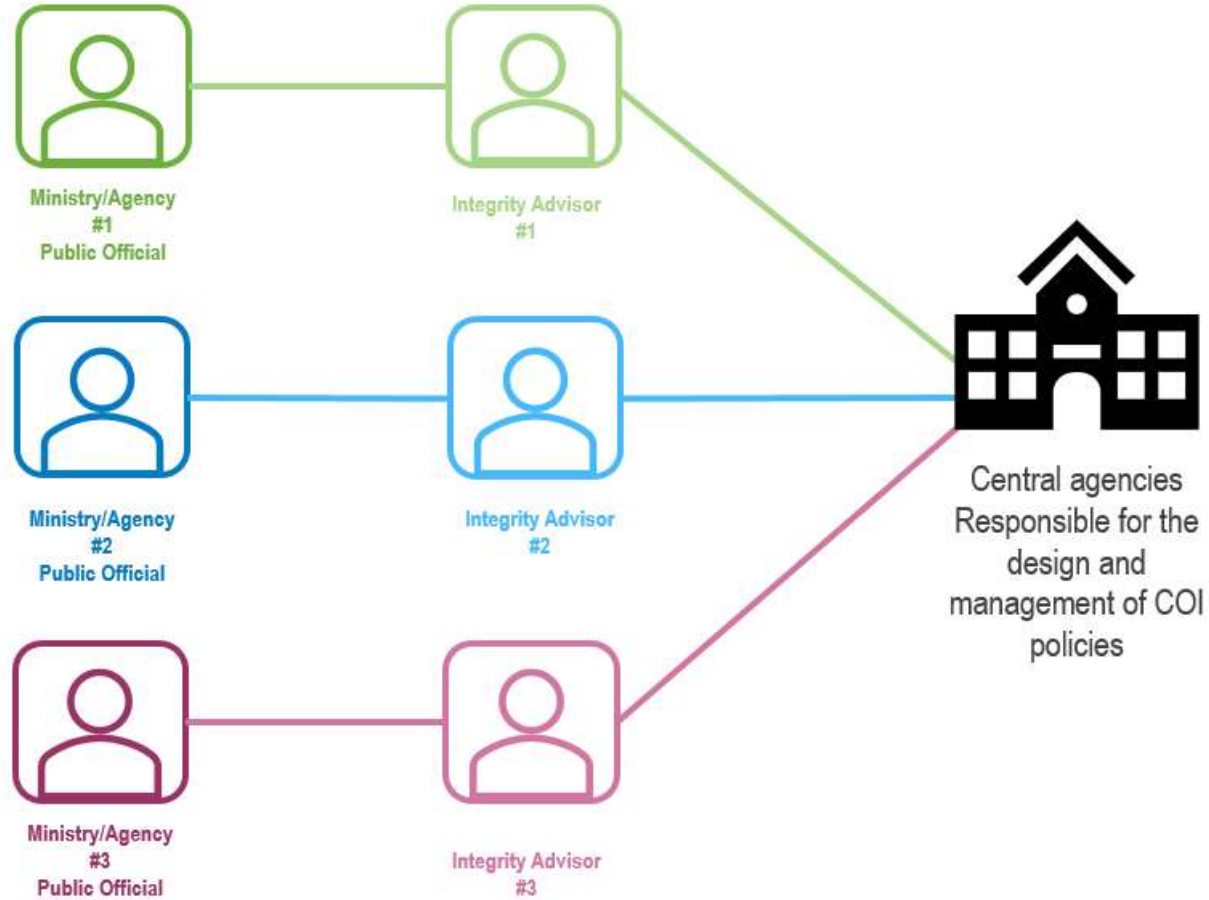
- Necessary to distinguish the objectives between conflict-of-interest prevention policy and financial disclosures
- Need to implement a proactive approach to conflict of interest



- **Analyse the use of the asset and financial interest declarations** to further clarify their distinct objectives.
- **Abolish the asset declarations of Article 28 of the Code on the Status of Civil Servants (Law 3528/2007)** and replace them with an **internal system** for the management of conflicts of interest focused on prevention.
- Strengthen the advisory functions of Integrity Advisors and adopt a more streamlined organisational process for managing conflicts of interest.



Conflict of Interest system centrally managed with integrity advisors in each agency of Ministry





2. Recommendations (4)



Procedures for Members of Government and persons selected by the Government entrusted with top executive functions



- **Strengthen** the role of the General Secretariat for Legal and Parliamentary Affairs of the Presidency of Government to increase transparency of decisions.
- Further streamline the conflict-of-interest regime for **political appointees** and **special advisors**.



2. Recommendations (5)



Procedures for elected officials of local government

- Various standards applying to different categories of local government officials
- Existing regime is focused on obligations to declare interests and refrain from the exercise of official duties, and does not indicate a clear process for the management of conflicts of interest



- **Codify** the provisions regarding the conflict-of-interest restrictions applying in the various categories of elected officials of local government and include also **pre-and post-employment restrictions**.
- Provide further **guidance to clarify the conflict of interest and management processes** for elected officials of local government and on their implementation.



2. Recommendations (6)



Improving pre- and post-employment regulations

- Lack of rules to regulate pre-employment
- Various rules on cooling-off periods with a duration of 1-3 years



- Establish regulations on **pre-employment** and developing measures for possible conflicts of interest in these situations, for example through bans and restrictions for a limited period, interest disclosure prior to or upon entry into functions, ethical guidance for upcoming officials or pre-screening integrity checks.
- **Strengthen partnerships with the private sector** and seek their collaboration in developing similar conflict-of-interest measures for public sector entities.
- Balance **post-employment regulations** and consider a more stringent approach with regards to the actual content of this restriction by establishing a **full prohibition** of private sector activities relating to the duties of the former public official.



2. Recommendations (7)



Enhancing the asset declarations system



- Review the **methodology for the verification of asset declarations** to enhance its risk-based approach.



2. Recommendations (8)



Mainstreaming Conflict of Interest regulations through the entire Greek public administration



- Develop a **manual with concrete guidance regarding conflicts of interest** to mainstream the implementation of conflict-of-interest regulations

Thank you!

