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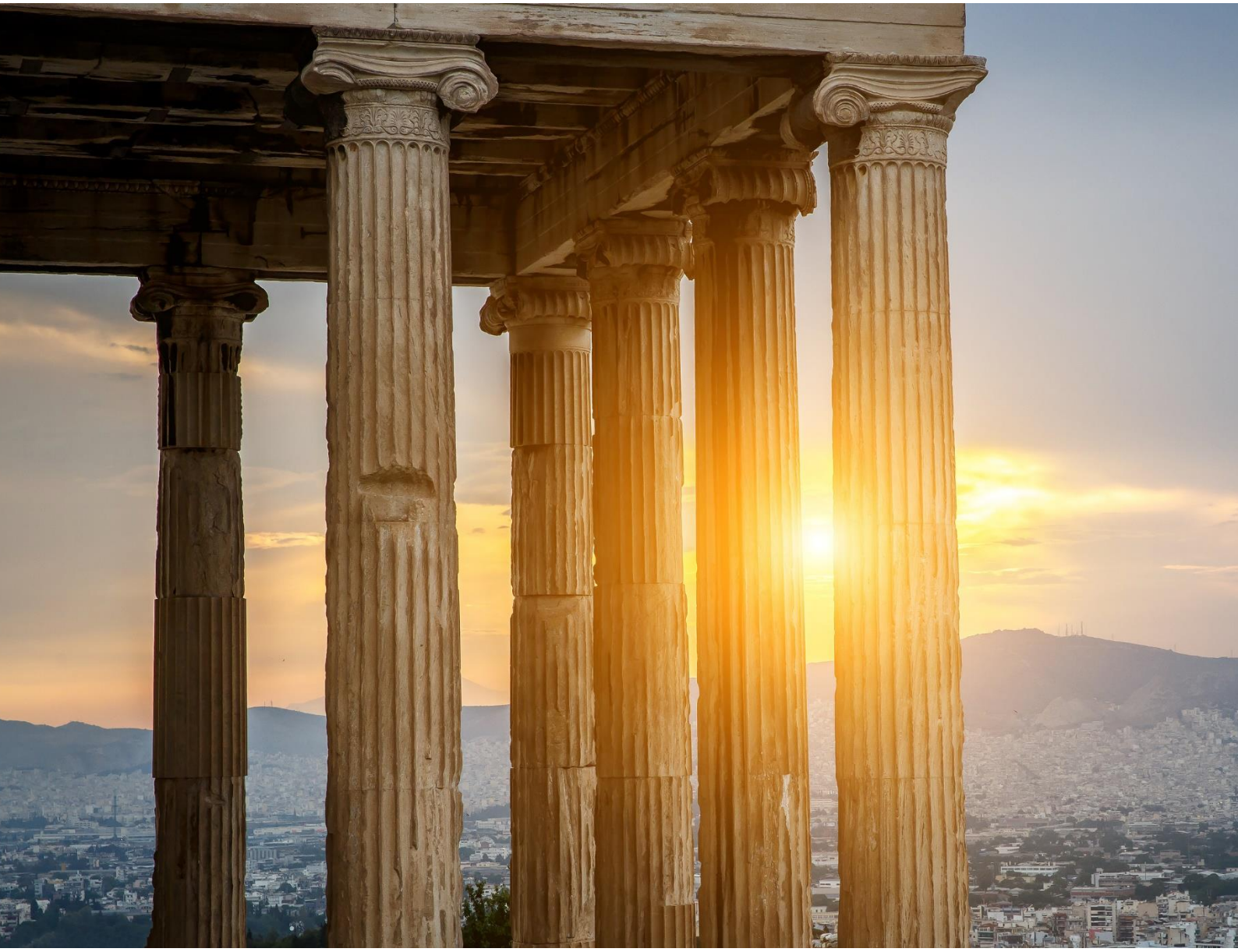
# Recommendations on Enhancing Greece's System for the Prevention and Management of Conflicts of Interest



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# Recommendations on Enhancing Greece's System for the Prevention and Management of Conflicts of Interest

This report is part of the project “Strengthening of integrity, transparency and anti-corruption framework (sub- project: strengthening of the National Framework for Integrity in the Public Sector)” and was produced with generous financial support under the European Economic Area (EEA) and Norway Grants financial mechanism.

The report presents proposals for legislative or institutional reforms in Greece leading to a coherent policy on conflicts of interest, as well as international good practices and tools concerning the management of conflicts of interest. In particular, how the existing legal and institutional framework could be more effective, and the implementation of conflicts of interest policies improved. The report makes recommendations for distinguishing between conflict-of-interest prevention policies and financial disclosures, strengthening procedures and mechanisms for the prevention and management of conflicts of interest in Greece, improving pre-and post-employment regulations, enhancing the asset declarations system and mainstreaming conflicts of interest rules and practices throughout the public sector.

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# 1 Recommendations for an improved legal and institutional framework for conflict of interest in Greece

Based on the findings of the mapping and gap analysis report, this Chapter proposes recommendations and selected good practices aiming to support Greece in improving its legal and institutional framework for conflict of interest.

## 1.1. Improving the legal framework for conflicts of interest in Greece

*Greece could consider developing a single policy framework with a unified definition of conflicts of interest applicable to the entire public administration*

The lack of a clear all-encompassing definition of conflict of interest combined with the fragmentation of the legal framework makes implementation and compliance challenging for public officials in Greece. To overcome these challenges, Greece could consider developing a single policy framework, covering the different categories of public officials and addressing conflicts of interest, thus providing clarity to public officials. This approach is followed, for example, in Latvia, where the Law on the Prevention of Conflict of Interest in Activities of Public Officials (*Par interešu konflikta novēršanu valsts amatpersonu darbībā*, IKNL) focuses on safeguarding public interests in the actions of public officials, emphasizing conflict of interest prevention and management, along with financial disclosures to ensure transparency and accountability (Saeima, 2002[1]).

Within this single policy framework, Greece could establish a unified definition of conflict of interest which should include the different types of conflict of interest. This new definition would provide Greece with the opportunity to take a more strategic and preventive approach in its conflict-of-interest framework, such as the definitional approach recommended by the OECD Guidelines for Managing Conflicts of Interest in the Public Service (OECD, 2003[2]) (Box 1.1).

### Box 1.1. The definitional approach of the OECD Guidelines

Recognising that countries have different historical, legal and public service traditions, which may impact on the way conflict-of-interest situations have been understood, the OECD Guidelines developed a definition of “conflict of interests” which is intended to be simple and practical, to assist effective identification and management of conflict situations:

A “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.

On this basis, a **"conflict of interest"** involves a situation or relationship which can be current or may have occurred in the past. Defined in this way, "conflict of interest" has the same meaning as actual conflict of interest.

By contrast, 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.

It is important to note that this definitional approach is necessary to be consistent with the policy position which recognises that conflicts of interest will arise and must be managed and resolved appropriately

Source: (OECD, 2003[2]).

Similar definitions can also be found in national legislations across European OECD countries (Box 1.2).

### Box 1.2. Definitions of conflict of interest in France, Poland, Portugal and Slovenia

In **France**, the law of 11 October 2013 on transparency in public life defined the notion of conflict of interest as "a situation in which a private or public interest interferes with a public interest in such a way that it influences or appears to influence the independent, impartial and objective performance of a duty". According to this definition, a conflict of interest is characterised by three cumulative criteria: an interest, an interference between two or more interests, and the intensity of that interference. Taking into account the fact that the concepts of "conflict of interest" and illegal taking of interest can be difficult to assess, the High Authority for transparency in public life published two comprehensive guides on conflicts of interests for public organisations and public officials. The guides present the High Authority's doctrine on the risks of conflict of interest, particularly between public interests, and offers a summary of the ethical procedures that mark the career of a public official or civil servant.

The Code of Administration Procedure in **Poland** covers both forms of conflicts; 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** has a brief and explanatory definition of conflict of interest in the law. 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.

In **Slovenia**, the Integrity and Prevention of Corruption Act of 2010 defines conflicts of interests as 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.

Source: (OECD, 2004[3]), Managing Conflict of Interest in the Public Service: OECD Guidelines and Country Experiences, OECD Publishing, Paris, additional research by the OECD Secretariat; HATVP, Guide déontologique, Contrôle et prévention des conflits d'intérêts, https://www.hatvp.fr/wordpress/wp-content/uploads/2021/02/HATVP_GuideDeontologie_2021_A-Imprimer.pdf.

*Greece could amend the legislation to limit the list of existing prohibitions to move from a prescriptive towards an advisory approach to conflicts of interest*

The scope and rigidity of regulations widely vary between countries. On the one hand, countries with long administrative law tradition have formalised extensive and highly developed regulations listing cases of incompatibility, as is the case in Greece. On the other hand, most Scandinavian countries minimise regulation, and cases are treated on an individual basis and on their merits. Norway, for instance, has no formal restriction other than that derived from the separation of powers: the prohibition on a civil servant being elected as a member of the Parliament, for example. Instead, the incompatibility is to be determined in individual cases and on the basis of legal and ethical principles. Neither does the Act of Civil Servants in Denmark specify incompatible activities. Similarly, to Norway, the principle of individual case is applied. Iceland also follows this Scandinavian model (OECD, 2003[2]).

In a rapidly evolving public sector environment, conflicts of interest can never be fully eliminated. Excessive restrictions may also deter qualified professionals from accepting public office. Consequently, a modern conflict- of-interest policy seeks to strike a balance by:

- Enabling public officials to identify and avoid unacceptable forms of conflict.
- Making public organisations aware of their presence.
- Ensuring effective disclosure and resolution to diminish their consequences.
- Strengthening oversight and accountability.

Considering this, Greece could amend legislation to limit the list of existing prohibitions and allow managers and integrity advisors to assess the situation on a case-by-case basis, moving from the mere acknowledgement of an existing prohibition and moving towards a broader advisory role that may help the public official deal with the situation. In an effort to strengthen oversight and accountability, several countries (including for example, Latvia, Lithuania and Romania) have established a personal responsibility for managers and/or heads of public entities to monitor the implementation of conflict-of-interest regulations and ensure the disclosure of conflicts.

## 1.2. Increasing the effectiveness of Greece's institutional arrangements for the implementation of the conflict-of-interest legal framework

As set out in the mapping and gap analysis report, Greece has a comprehensive but fragmented institutional framework for implementing conflicts of interest policies and processes in the public sector. This section makes suggestions for how this institutional framework could be more effective, and the implementation of conflicts of interest policies improved. It makes recommendations for mainstreaming conflicts of interest rules and practices throughout the public sector, for improving understanding of the institutional framework throughout Greece's system, and for improving information sharing between Greece's integrity authorities.

This section notes, in particular, the potential of the network of Integrity Advisors. The rollout of the network could be key in mainstreaming integrity rules through Greece's public sector and, done well, could produce a step change in Greece's management of conflicts of interest and become an example of good practice for other OECD countries to follow.

*Greece could seek to progress the recruitment of Integrity Advisors as quickly as possible*

Greece has made significant recent progress in developing the oversight, coordination and sources of advice for public office holders on integrity issues. In particular, the establishment of the NTA has been recognised as a key development in Greece's integrity system, with GRECO seeing the NTA as Greece's

recognition of “the importance of a holistic coordination of its anti-corruption policy, an issue which had been identified, for years, as a key shortcoming of the system” (Group of States Against Corruption (GRECO), 2022[4]).

An important additional development in Greece’s integrity system has been the establishment under Law 4795/2021 of Integrity Advisors. As set out in the report on Output 1 of, Integrity Advisors are responsible *inter alia* for offering advice to employees and heads of organisational units on integrity issues (including conflicts of interest), assisting in the coordination, interpretation and development of new conflicts of interest policies and processes within their organisation, and the facilitation of investigations into breaches of integrity rules between their host authority and the responsible oversight agency.

Integrity Advisors stand to make a key contribution to the effectiveness of Greece’s integrity system and the management of conflicts of interest, by mainstreaming integrity policy and practice throughout Greece’s public sector. Government Ministries, local authorities, public institutions and administrative organisations differ in terms of their responsibilities, tasks, size and constitutional position. With their localised knowledge of how their host department or authority operates, Integrity Advisors have the potential to play an important role in coordinating, interpreting, and applying Greece’s integrity framework at a local level, whilst at the same time ensuring a consistency of application through the Integrity Advisors network (discussed further below) and their links back to the centre and the NTA. Their local knowledge of their host authority also makes Integrity Advisors a key mechanism for targeting high-risk roles and sectors in Greece’s public sector and for the management of conflicts of interest in these areas.

In its fifth round evaluation report, GRECO noted that Greece aimed by the end of 2021 for Integrity Advisors to be appointed in the majority of ministries (Group of States Against Corruption (GRECO), 2022[4]). While this timeline appears to have slipped, the number of certified Integrity Advisors is gradually growing.I In consultations with the OECD, the NTA suggested that the recruitment process of integrity advisors would recommence after the new government took up office, and following the expiry of the period of suspension of position changes on account of the elections. Greece should concentrate on increasing the number of Integrity Advisors across the public sector as quickly as possible. One possible cause of the delay in the recruitment of Integrity Advisors lies in the centralised responsibility of the NTA for issuing calls for expressions of interest for specified members of Ministries or autonomous services or to Independent Authorities or Decentralised Administrations or legal persons under public law or Local Authorities of first and second degree, in accordance with Article 28 of Law 4795/2021 (Government Gazette, 2021[5]). To speed up this rollout, other OECD countries have sought to place the responsibility for recruiting similar integrity officers on public bodies themselves (Box 1.3).

### Box 1.3. Appointment of Integrity Officers in OECD countries

**Hungary**

In Hungary, Government Decree 50/2013 (25 February) on the integrity management system of state administration organs and on receiving lobbyists placed greater responsibility for upholding public integrity with the heads of public organisations. To enhance integrity, the Decree introduced a new function, the Integrity Officer, and made it obligatory for all state administration organs – with a few exceptions – to appoint such an officer.

The Integrity Officer's duties include, inter alia, receiving and investigating notifications regarding abuse, irregularities and risks of corruption relating to the operation of the organ concerned and providing the organisation's managers and staff with information and advice regarding matters of professional ethics. Integrity Officers are required to play a central role in the carrying out of yearly assessments of the risk of corruption relating to their host authority's operation. They must prepare annual action plans and put in place a general procedural regime concerning abuse, irregularities and risks of corruption relating to their operations, as well for receiving and investigating notifications.

Importantly, responsibility for recruiting Integrity Officers lies with individual public bodies. The number of state administration organs governed by the Decree, and obliged to recruit Integrity Officers, is growing, and in 2023 a total of 128 organisations fell under the scope of the Decree.

**France**

In France, integrity advisors are chosen among serving or retired magistrates and civil servants, or among contract staff on permanent contracts. A decree issued by the competent minister or local authority may also designate the same Integrity Advisors for departments under his or her authority and for public establishments under his or her supervision.

In government departments and public establishments, the Integrity Advisor is appointed by the head of department. The missions of the Integrity Advisor can be exercised by a single individual or by a college of integrity advisors. The prerogative to choose between a single individual or a college of integrity advisors can ensure better implementation, leading local and sectorial authorities to take a stronger ownership in the process. For integrity advisors in local administrations, there is a possibility of grouping integrity advisors for several local authorities.

Source: (Government of Hungary, 2013[6]); Information provided by the French HATVP.

*Greece should ensure its network of Integrity Advisors works effectively in practice*

The report for Output 1 made suggestions for how Greece could strengthen the advisory functions of Integrity Advisors and adopt a more streamlined organisational process for managing conflicts of interest. There is also scope to ensure that Integrity Advisors are working together effectively to discharge all the responsibilities of their role.

Greece is seeking to improve the effectiveness of these officers by establishing, under Article 30 of Law 4795/2021, a network of Integrity Advisor. While the network is technically already in place, it was evident from consultations that it is not yet operational, since the recruitment process of integrity advisors is still ongoing. Once fully operational, the network will aim to enable cooperation among Integrity Advisors and the exchange of experiences and good practices in the provision of advice and the implementation of conflicts of interest policies. It will also support the formulation of recommendations to the responsible authorities on improvements to specific integrity policies. It will, in cooperation with the Ministry of Interior and the National Centre for Public Administration and Local Government, organise training and awareness-

raising activities on public integrity, transparency and accountability (these training activities should be developed and tailored as noted below). And it will gather data and report statistics on integrity and corruption issues. In theory, therefore, the Integrity Advisors network has a great deal of potential for improving integrity policies and practices, including those on conflicts of interest, and mainstreaming them throughout public authorities in Greece.

As it is not yet operational it is difficult to assess how effective the network will be in practice. The NTA has already developed an online platform for communication and exchange of views and good practices among Public Administration Integrity Advisors which, once operational, could be an effective tool for increasing communication and capability (National Transparency Authority, n.d.[7]). The NTA should continue to develop plans for how the network will work in practice so it functions effectively and meets its aims. A central element of these plans should be the diffusion of a common doctrine regarding the mission of integrity advisors and best practices on complex cases. This approach would support harmonisation and help avoid the isolated performance of the missions of integrity advisors.

As the NTA appears to have identified, co-operation among actors responsible for integrity instruments and functions supports the identification of synergies, and therefore helps to avoid overlaps or gaps (Maesschalck and Bertok, 2009[8]). The main challenge of cooperation among different institutional actors is to ensure that each works towards a commonly understood and shared objective to ensure the impact of integrity policies (OECD, 2020[9]). Indeed, the focus should be on "maximising the policy and operational advantages of multiple integrity-related bodies, while also avoiding the worst risks of 'ad hocery', jurisdictional gaps, imbalances between positive and coercive integrity strategies, potentially unhealthy competition, negative conflict, and confusion in the eyes of citizens and end-users" (Sampford, Smith and Brown, 2005[10]). Several OECD countries are seeking to overcome these challenges and implement similar informal cooperation mechanisms to mainstream their own conflicts of interest policies and processes, and may provide helpful comparisons for the NTA (Box 1.4).

### Box 1.4. Examples of integrity networks in Germany and Sweden

**The German network of contact persons for corruption prevention**

In Germany, the lead federal ministry for corruption prevention and integrity is the Federal Ministry of the Interior, Building and Community. Since preventing corruption does not involve having a supervisory role over other ministries, co-operation is essential in order to reach a common understanding of integrity policies and comprehensive standards for their implementation.

For the German federal administration, the Joint Rules of Procedure of the Federal Ministries regulates (among other issues) co-operation within the federal government. Article 19 stipulates that "in matters affecting the remits of more than one Federal Ministry, those Ministries will work together to ensure that the Federal Government speaks and acts consistently".

In practical terms, co-operation happens through a network of contact persons for corruption prevention that meets frequently. The network also develops guidelines, handbooks and recommendations for implementing the Federal Government Directive concerning the Prevention of Corruption in the Federal Administration.

**The Network against Corruption for Swedish State Agencies**

The Swedish Agency for Public Management hosts the Network against Corruption for Swedish State Agencies. Delegates participating in the network include heads of administrative departments and heads of legal departments. The network meets four times a year, and each meeting usually gathers close to 100 agencies.

The purpose of the network is to share experiences, learn about good examples and take part in the production of handbooks, reports, and other publications of the Swedish Agency for Public Management on anti-corruption measures, internal control, and efficiency.

Source: (German Federal Ministry of the Interior, 2014[11]) (OECD, 2020[9])

These networks rarely have decision-making capacities, but they can help to enhance the effectiveness of integrity systems by sharing good practices, information, and lessons learned. Moreover, they can ensure that integrity remains on the agenda of public sector institutions. The Integrity Advisors network could utilise a range of techniques to support its stated objectives and achieve the level of collaboration which it is aiming for. Examples of these tools are set out in (Table 1.1).

### Table 1.1. Possible tools for supporting a successful network of Integrity Advisors

| Method | Explanation |
|---|---|
| Workshops | Workshops can be used to develop practical tools and instruments, drawing on the collective experience and expertise of the network. Where a new or established tool can be applied in multiple organisations, the network can workshop how to share the development to ensure efficiency and commonality across organisations. |
| Pools | Pools of expertise can be used to gather scarce expertise that can be shared across participating organisations. For example, investigators, trainers or policy advisers for integrity matters can be shared among various smaller organisations that may lack the capacity to employ such experts on their own. Pools can be used to resource smaller or priority organisations on, for instance, an ad-hoc basis, or where surge capacity is needed. |
| Forums | Forums provide opportunities for integrity officers from across organisations to come together to share knowledge, experience and lessons learnt. There does not necessarily need to be a specific output (as there may be in workshops), but forums may provide a more or less formal mechanism for information exchange and collective learning. |
| The "Megaphone" | The Megaphone is shorthand for the development of shared communications techniques and strategies across organisations, to communicate with the public and / or at political levels to influence the design of integrity policy or raise the profile of particular integrity issues. Organisations together can speak with a louder and more persuasive voice when trying to influence opinion and make improvements to integrity frameworks. |

Source: (Hoekstra, 2015[12])

*Greece could offer public office holders more training on institutional responsibilities in its integrity framework, including members of Government, members of Parliament and political advisors*

It is primarily the responsibility of individual public office holders to be aware of conflicts of interest rules and procedures and to take steps to manage their private interests themselves. However, public bodies and government organisations also have a responsibility to ensure that conflict-of-interest policies and processes are understood and implemented effectively (OECD, 2003[13]). This is particularly important for those public bodies charged with a preventative function in the integrity system. In order to prevent conflicts of interest effectively, particular attention needs to be paid to capability and understanding in high-risk areas and functions, or those parts of government and the wider public sector in which significant conflicts are more likely to arise or to prove more damaging to organisational integrity and public confidence.

Raising awareness, building knowledge and skills, and cultivating commitment to integrity are essential public integrity elements, particularly in the management of conflicts of interest. Raising awareness about integrity standards, practices and challenges helps public officials recognise potential conflict of interest scenarios when they arise. Likewise, well-designed training and guidance equip public officials with the knowledge and skills to manage integrity issues appropriately, and seek out expert advice when needed. In turn, raising awareness and building capacity contributes to cultivating commitment among public officials, motivating behaviour to carry out their public duties in the public interest (OECD, 2020[9]).

The NTA is a key body for raising awareness of ethics and integrity issues, including conflicts of interest, among public officials. It has several initiatives in place already for raising awareness of integrity issues

and building capacity among public office holders. Among the most important of these is the NTA's work to improve Integrity Advisors' skills and capacity to manage conflicts of interest cases through the Professional Competence Certification Program for Integrity Advisors. Through this programme, policy officers and civil servants who wish to occupy an Integrity Advisor position are taught theoretical and practical subjects, often through case studies, on potential, real and perceived conflicts of interest.

In collaboration with the National Center for Public Administration, the NTA has also begun to incorporate similar topics into the mandatory seminars attended by employees who aspire to assume senior posts in their organisation. Equivalent material has already been incorporated in the certification programme for the acquisition of administrative competence of low-ranking employees, as well as the certification programme of senior policy officers and heads of Directorates. Relevant actions have been included within the framework of both the NACAP ( Action 2.3.9 - *Integration of a special teaching module to promote transparency, accountability, and integrity in educational seminars: a) Department & Directorate Managers and b) newly hired employees*) and the National Integrity System (Action 17- *Integration of a special teaching module to promote transparency, accountability, and integrity in educational seminars: a) Department & Directorate Managers and b) newly hired employees*), which have been developed by the NTA in collaboration with the Ministry of Interior.

Moreover, both theoretical and practical subjects on conflicts of interest are presented in seminars organised and carried out by the NTA within the framework of MoUs it has signed with various entities from both the public and private sectors. The NTA also organises specialised thematic workshops for raising public awareness on various topics related to ethics, integrity, and accountability. Training and capability building will be further disseminated through public authorities in Greece through Integrity Advisors, once more have been recruited and the Integrity Advisors network is in place.

Regarding specialised training for members of the government, the General Secretariat for Legal and Parliamentary Affairs of the Presidency of Government suggested during consultations that it intended to develop FAQ and guidance materials, as well as training on the prevention of conflict of interest for those public office holders under its remit. In this area, the HATVP (*Haute Autorité pour la transparence de la vie publique*- High Authority for the Transparency of Public Life) in France provides newly appointed members of Government with a conflict-of-interest factsheet and a "self-assessment" questionnaire to assess their own risks of conflict of interest.

These initiatives stand to contribute significantly to increased awareness of integrity issues and the mainstreaming of conflicts of interest policies and processes throughout the public sector in Greece. However, as GRECO set out, while these recent developments are positive, there is scope to develop training further to assist with the implementation of Greece's rules around conflicts of interest (Group of States Against Corruption (GRECO), 2022[4]). In particular, during consultations with the OECD, several officials in the Greek government suggested that while in many cases the rules are clear, the current institutional framework around conflicts of interest was unclear and that they were unsure about the lines of accountability and available sources of advice on integrity issues, including conflicts of interest, in the Greek system (Box 1.5). In addition, while there was optimism that Integrity Advisors would add a great deal of value to the integrity framework once fully in place, there still appears to be significant confusion in ministries about the role which Integrity Advisors will play in Greece's integrity system and in the management of conflicts of interest.

### Box 1.5. Case study on where clarity in institutional responsibilities in the management of conflicts of interest in Greece could be improved

In public procurements in Greece, all contracting authorities have a responsibility to report cases of conflicts of interest. The management of CoI situations at the various stages of the process are regulated by different articles of Law 4412/2016. In particular, according to Articles 24 and 262 of the Law 4412/2016, staff members of the contracting authority or of a procurement service provider acting on behalf of the contracting authority, as well as the members of the administrative bodies or other bodies of the contracting authority, are required to notify the contracting authority in writing of any CoI concerning themselves or their relatives, in relation with any candidate or tenderer, once they become aware of the conflict in question. This disclosure allows the contracting authority to take corrective action. At the same time, these persons must refrain from any action related to the conclusion of the contract. In this process, public officials may disclose potential, actual and apparent CoI, as well as conflicts that occurred in a previous stage of the award procedure.

After the disclosure is made, the contracting authority makes a reasoned decision on whether or not there is a case of CoI. If the contracting authority determines that a CoI situation exists, it shall immediately inform HSPPA and take appropriate action without delay. Specifically, the contracting authority prepares and sends to the HSPPA the standardized form "*Conflict of Interest Notification*" (in accordance with Articles 24(6) and 262 of Law 4412/2016). The form includes the following information:

- Information regarding the contracting authority (contact details, legal status, etc.);
- Information regarding the public procurement process (award title, budget, type of contract, etc.);
- Details regarding the conflict of interest situation (involved parties, description of conflict, measures taken, supporting documents, objectives of measures taken).

A similar standardized form titled *"Notification of Previous Involvement of Candidates*" is used by contracting authorities to inform the HSPPA of any cases that a candidate/tenderer or an undertaking related to a candidate/tenderer has advised the contracting authority, in the context of preliminary market consultations or not, or has otherwise been involved in the preparation of the procurement procedure (Articles 48 and 280 of Law 4412/2016). In accordance with the applicable regulations, in these cases contracting authorities shall take appropriate measures to ensure that competition is not distorted by the participation of that candidate or tenderer and the measures are described in the form for HSPPA's information.

As part of the guidance provided within its mandate, the HSSPA has also included an integrity clause in standard tender documents and a standard integrity declaration to be provided by the contractor. In cases that a contract is not covered by the regulations of Law 4412/2016, the general provisions of the Code of Administrative Procedure (Law 2690/1999) shall apply instead (Article 221(6) of Law 4412/2016). In particular, Article 7 of the Code of Administrative Procedure on the impartiality of administrative bodies.

Notably, contracting authorities reported a total of 20 cases of conflict of interest to the HSPPA, including cases of previous involvement of tenderers/candidates. According the files of the HSPPA Audit Department of the HSPPA, in 2021, there were 4 reported cases and in 2022, 12 cases.

Source: (HSPPA, 2022[14]); (Government Gazette, 2016[15]); (HSPPA, 2016[16]); (Government Gazette, 1999[17]).

The NTA could therefore include in its training materials information not only on ethics and integrity principles, and the underpinning legislative framework, but also on the institutional arrangements for administering the rules too. Other OECD countries have begun to include these explanations of their institutional responsibilities in their own training offering. Australia, for example, has developed materials which encourage office holders to take note of both integrity principles and the relevant institutional responsibilities, and then to draw upon this knowledge as they make decisions in their day-to-day work (Figure 1.1) (Box 1.6).

Moreover, Greece could consider providing members of parliament induction training on standards of conduct and integrity rules. Induction training provides an opportunity to set the tone regarding integrity from the beginning of the working relationship and familiarise public officials with the specific conduct and behaviour that is expected from them in their day-to-day activities (OECD, 2018[18]). For instance, after the 2019 General Election, the UK Parliamentary Commissioner for Standards organised workshops to introduce the values, the Code of Conduct and the Guide to the Rules of the Parliament and invited each of the new 140 MPs to an individual briefing to advise them on, amongst others, the Code of Conduct (UK House of Commons, 2020[19]). This type of training could be further complemented by 'ethical dilemma" training, whereby participants are presented with practical situations in which they face an ethical choice with no clear path to resolving the situation and discuss in small groups what actions they would take to resolve those dilemmas (OECD, 2023[20]).

The NTA could pay particular attention to the provision of training to political advisors. GRECO had concerns about the "type of advice and training that should be in place for political advisors, which must be adapted to the nature of their functions (and which are more similar to those faced by members of government than by civil servants)" (Group of States Against Corruption (GRECO), 2022[4]). As the report for Output 1 set out, although Greece has amended the rules in relation to political advisors' declarations of interest since GRECO's evaluation, several complexities in the rules and declarations process remain. It may be helpful to accompany these rule changes with appropriate training to ensure political advisors understand the applicable rules and institutional responsibilities around their implementation.

## Figure 1.1. Australia Public Service Commission Fact sheet: Integrity agencies

| Agency | Awareness | Prevention | Assurance | Investigation | Enforcement |
|---|---|---|---|---|---|
| This table identifies Commonwealth agencies that play a key role in upholding integrity in the APS | Promote a culture of integrity, professionalism and proper conduct through education and awareness-raising | Establish and maintain frameworks, policies and practices that support a professional, ethical and trustworthy public service. | Use mechanisms that ensure frameworks, policies and practices are compliant and effective in maintaining a culture of itnegrity, including by managing risk such as misconduct, fraud and corruption | Undertake examinations or inquiries into allegations of misconduct or malpractice | Enforce laws and prosecute crimes, including against the Commonwealth, such as fraud and corruption |
| Attorney General's Department | ✓ | ✓ | ✓ | ✓ | |
| Australian Commission of Law Enforcement Integrity | ✓ | ✓ | ✓ | | |
| Australian Criminal Intelligence Commission | | | ✓ | ✓ | |
| Australian Federal Police | ✓ | | | | ✓ |
| Australian National Audit Office | ✓ | ✓ | ✓ | ✓ | |
| Australian Public Service Commission | ✓ | ✓ | ✓ | ✓ | |
| Commonwealth Director of Public Prosecutions | | | | ✓ | ✓ |
| Commonwealth Ombudsman | ✓ | | ✓ | | |
| Department of Finance | | | ✓ | | |
| Department of Home Affairs | | | ✓ | | |
| Deaprtment of the Prime Minister and Cabinet | | | ✓ | | |
| Australian Human Rights Commission | | | ✓ | | |
| Independent Parliamentary Expenses Authority | ✓ | | ✓ | | |
| Inspector-General of Intelligence and Security | ✓ | | ✓ | ✓ | |
| Merit Protection Commission | | | ✓ | ✓ | |
| Office of the Australian Information Commissioner | | | ✓ | ✓ | |
| The Treasury | | | ✓ | | |

Source: (Australian Public Service Commission, n.d.[21])

### Box 1.6. Australia's ReFLECT Model for Ethical Decision-Making

The Australian Public Service Commission (APS) has developed a range of learning tools to help work units across the Australian public sector make better, more ethical decisions in their day-to-day work. Among these tools is the ReFLECT Model for Ethical Decision-Making, which helps office holders take account of integrity and ethics principles and the relevant institutional responsibilities as they carry out their work. The Model is designed to:

- help office holders to recognise the ethical dimensions of their situation
- refer them to sources of relevant information and understand the institutional landscape
- help them evaluate options and consider likely and unintended consequences
- invite them to see their situation from different perspectives

**The ReFLECT Model of Decision-Making**

**Re 1. Recognise a potential issue or problem**

Ask yourself:

- do I have a gut feeling that something is not right? Do I feel this is a risky situation?

Recognise the situation as one that may involve tensions:

- between two or more parts of the relevant Code of Conduct; between the relevant Code of Conduct and personal values.

**F 2. Find relevant information**

Find the relevant information and gather the facts:

- what was the trigger and what are the circumstances? Identify the relevant legislation, policies and guidance; identify the rights and responsibilities of relevant stakeholders; identify any precedents or previous decisions.

**L 3. Linger at the "Fork in the Road"**

Linger at the "Fork in the Road"; pause to consult:

- supervisors and managers; Ethics, Integrity and Professional Standards Section; respected colleagues or peers; or support services–remember privacy.

Talk it through; use intuition and analysis; listen and reflect.

**E 4. Evaluate the options**

Evaluate options; identify consequences; look at the processes:

- identify the risks; discard unrealistic options; apply the accountability test–would the decision stand up to public scrutiny/independent review? be prepared to explain the reasons for your decision.

**C 5. Come to a decision**

Come to a decision

- act on it and make a record if necessary.

**T 6. Take time to reflect**

Take time to reflect and review

- how did it turn out for all concerned? learn from your decision; if you had to do it all over again, what would you do differently?

Source: (Australian Public Service Commission, 2022[22])

*Greece should also target training on conflicts of interest at high-risk office holders*

Greece could further develop its increasingly comprehensive training offering to public office holders by considering how to target training to specific categories of public officials who operate in positions exposed to higher risks of corruption. As set out in the report for Output 1, the NTA, together with the Ministry of Interior, could consider conducting a study to identify commonly occurring risks of conflicts of interest in high-risk sectors and in local government. The report for Output 1 suggested that the findings of the study could be used to adapt integrity guidance to the needs of individual entities from high-risk sectors and local government. The Estonian Internal Control Bureau (ICB) carries out such a risk assessment, which may provide a useful example to Greece (Box 1.7).

### Box 1.7. Estonian Internal Control Bureau (ICB) annual risk assessment and corruption threat analysis

The ICB evaluates corruption risks in the Police and Border Guard Board (PBGB) annually, by carrying out both a corruption threat analysis and a risk assessment. The risk assessment classifies every structural unit of the PBGB as low, medium or high risk, whereas the threat analysis is a future-oriented document based on intelligence gathered by the ICB as well as past incidents.

Based on both documents, the ICB prepares an annual action plan, which includes the activities of the ICB for the prevention and detection of offences (including corruption offences) committed by officials and employees of the PBGB. The risk assessment, threat analysis and annual action plan are classified documents.

In order to assess the effectiveness of the risk management tools of the PBGB, the ICB analyses the statistics on incidents (misconduct) involving PBGB staff, complaints by citizens and public trust in the police. The following categories of staff have been identified as “high risk”: staff responsible for decisions regarding procurement, contracts and payments to contractors; staff responsible for police equipment; staff with access to sensitive police information; staff working in service points of the prefectures and/or as border guards on the Eastern border.

Source: (GRECO, 2018[23]) (GRECO, 2021[24]) (GRECO, 2023[25])

In addition, however, such a risk assessment could be used to inform the tailoring of training offerings to high-risk office holders, so that they understand the rules which apply to them, the institutional arrangements for implementing those rules, and the different risks which they may encounter in their roles. While the results of such a risk assessment should not be pre-empted, high-risk positions may typically include procurement officers, officials working in public enterprises, officials involved in issuing licenses or permits, officials of municipal urban planning and building services, or customs and tax officers. Greece could also consider making a particular assessment of the risks associated with the roles of political advisors and tailoring training accordingly.

Greek officials consulting with the OECD indicated they would welcome such training, tailored to the needs of their specific circumstances, such as in procurement processes or at the level of their particular municipality. Other OECD countries are taking this tailored approach to training based on their own assessments of which public sector roles may be higher risk (Box 1.8).

### Box 1.8. Examples of training targeted at high-risk office holders

**German Federal Procurement Agency**

The Federal Procurement Agency is a government agency which manages purchasing for 26 different federal authorities, foundations and research institutions that fall under the responsibility of the Federal Ministry of the Interior. It is the second largest federal procurement agency after the Federal Office for Defence Technology and Procurement.

One of the key steps which the Procurement Agency has taken to promote integrity among its personnel is the organisation of workshops and training on corruption which set out the corruption risks inherent in their part of the public sector.

Since 2001, it is mandatory for new staff members to participate in a corruption prevention workshop. They learn about the risks of getting involved in bribery and the briber's possible strategies. Another part of the training deals with how to behave when these situations occur; for example, by encouraging them to report it ("blow the whistle"). Workshops highlight the central role of employees whose ethical behaviour is an essential part of corruption prevention, and highlight which institutions they can go to for support and advice on integrity issues. About ten workshops took place with 190 persons who gave a positive feedback concerning the content and the usefulness of this training. The involvement of the Agency's "Contact Person for the Prevention of Corruption" and the Head of the Department for Central Services in the workshops demonstrated to participants that corruption prevention is one of the priorities for the agency. In 2005 the target group of the workshops was enlarged to include not only induction training but also on-going training for the entire personnel. Since then, 6-7 workshops are being held per year at regular intervals, training approximately 70 new and existing employees per year.

**Estonia Internal Control Bureau (ICB) and police academy**

In Estonia, both the ICB of the Police and Border Guard Board (PBGB) and the police academy (the Estonian Academy of Security Sciences) provide training on integrity and anti-corruption to police cadets. Police cadets are provided a one-off three hours of anti-corruption training by the ICB and six lectures and six interactive seminars on police ethics by the police academy before being employed by the PBGB. In addition, the ICB provides two to three hours of anti-corruption training to assistant police officers.

General induction training is furthermore mandatory for all new staff of the PBGB, in which an hour to an hour and a half will be spent on anti-corruption topics. The content varies according to the target group, but usually includes the role of the ICB, corruption risks in police work, the requirements of the CSA (including as regards ancillary activities) and ACA (conflicts of interest, gifts, misuse of confidential information etc.), use of databases and data protection and use of social media.

In addition to initial training for cadets and new staff, in-service training on integrity is regularly provided, including specifically for mid-level managers, and tailored training is organised on an ad-hoc basis targeting high-risk work areas. In 2017, the ICB trained 987 persons in 51 training seminars on integrity and anti-corruption. The rules on gifts are covered in all anti-corruption and integrity training seminars organised by the ICB.

The ICB undertakes an annual assessment of corruption risk across every structural unit of the PBGB. According to this assessment, one of the highest risk areas was in relation to gifts given to employees of the document service desks. In addition, two recent investigations by the ICB into corruption were related to employees of the document service desks. As a result, the ICB organised 12 special training

seminars for service desk employees in 2017, which, inter alia, addressed the issue of gifts and conflicts of interest in detail. This training was also filmed and made available on the PBGB intranet.

Source: (OECD, 2016[26]); (GRECO, 2018[23])

### *Information sharing between advisory bodies*

Promoting mechanisms for co-operation between different authorities is key to supporting the coherence of integrity frameworks (OECD, 2017[27]). In addition to the sharing of experience and insights and considering how to avoid overlap and improve coherence through networks as set out above, the management of conflicts of interest is improved where silos between authorities are broken down and information on decisions made and advice given is shared. A number of factors can contribute to silos, including hierarchical structures, focus on different policy priorities, and position in the public policy cycle. Silos are not always problematic, but they become a challenge when they inhibit units or organisations from working across functional areas and hinder effective decision making (Riberio, Giacoman and Trantham, 2016[28]).

A particularly stark example of siloed working between integrity authorities in Greece is in the sharing of case information on declarations of interest between the General Secretariat for Legal and Parliamentary Affairs of the Presidency of Government and the Ethics Committee of the NTA. The process of making declarations of interest to these authorities and the roles these bodies have in decision making was set out in more detail in the report for Output 1, along with the personae scope of each body (also set out in more detail in Part 1 of this report).

In terms of record keeping on declarations of interest and requests for advice, the OECD understands from consultations that declarations and requests for integrity advice are submitted electronically to the General Secretariat via email. Any information submitted is then kept in a confidential electronic spreadsheet file, which is locked and which only specific individuals are able to access. These individuals are the Prime Minister, the Secretary General, the General Secretariat, and the NTA Ethics Committee. Likewise, should a case be referred by the General Secretariat or the Prime Minister to the Ethics Committee, the Committee opens its own similar electronic case file which is separate from the file opened by the General Secretariat.

Significant improvements could be made to the sharing of information between these two bodies. The OECD understands through consultations that while upon opening a new case file the Ethics Committee is able to access the General Secretariat's files, in practice it has never done so. And in turn the General Secretariat is unable to access the Ethics Committee's records. It is unclear what the reasons for this gap between databases are since, as GRECO noted, the current data storage and access arrangements meet the security requirements and assure data protection adequately against the relevant Prime Ministerial Decision (Article 4, Prime Minister's Decision Y150/GG B 4550/12.12.2019) (Group of States Against Corruption (GRECO), 2022[4]) (Government Gazette, 2019[29]). Although consideration of interest declarations is taken on a case by case basis, this gap between databases makes it harder for the General Secretariat and Ethics Committee to ensure they are providing consistent advice to those in their personae scope, and means they are less able to establish a jurisprudence which can inform their future decisions and advice.

A possible cause of this gap in information access could lie in Article 74(1) of Law 4622/2019, which requires a referral by the Prime Minister regarding issues of ethics and conflicts of interest of top senior officials in order to trigger the competence of the NTA Ethics Committee. In other words, the NTA Ethics Committee cannot be granted access to the General Secretariat's files without the Prime Minister's intervention.

Several OECD countries are seeking to overcome this kind of siloed working through the use of exchange-of-information tools, which may be more or less formal depending on the scale, complexity and sensitivity of the information exchange. At the least, the General Secretariat and the Ethics Committee should adopt a more regular shared access to their current databases to better inform their decision making, but they could also consider how to adopt a more comprehensive single shared database akin to these set out in Box 1.9. Nevertheless, any initiative to enhance the access of the NTA Ethics Committee to information should consider the constraints caused by Article 74(1) of Law 4622/2019 regarding the Prime Minister's referral. This would be in line with other recommendations in this report suggesting limiting the Prime Minister's role in this process.

### Box 1.9. Electronic data-sharing systems for preventing and managing conflicts of interest

**The Electronic System for the Prevention of Conflict of Interest (SeCI) in Brazil**

In July 2013, Law No. 12,813/2013 (Conflict of Interest Law) entered into force in Brazil, defining situations that constitute conflicts of interest during and after the exercise of position and / or employment in the Brazilian Federal Executive. All public officials are subject to the Conflict of Interest Act. The law delimited the responsibilities of the two supervisory and evaluation bodies – the Comptroller General of the Union (CGU) and the Public Ethics Commission. The Public Ethics Commission is responsible for assessments of declarations from inter alia Ministers, Directors of State-Owned Enterprises, and certain other federal public servants. The CGU is responsible for employees of the Federal Executive Branch.

To administer the new law, the CGU has developed the Electronic System for the Prevention of Conflict of Interest (SeCI). The electronic system allows federal public servants or employees to make formal submission to find out if they are likely to fall within a situation of conflict of interest, to request authorisation to exercise private activity, and to monitor submissions and lodge appeals. The system forwards these requests to the appropriate authority for a decision, and enables analysis and decision making based on existing cases within the system.

Between 10 July 2014 and 27 March 2020, federal public officials submitted 7961 consultations on conflict of interest to their agencies and entities through the SeCI. Out of the 7207 consultations analysed, 916 involved a relevant conflict of interest risk and were submitted to the CGU for further analysis. The CGU confirmed the existence of a relevant conflict of interest risk in 279 cases, advising against the exercise of the private activity under analysis. In relation to 198 consultations, the CGU considered that the identified risk of conflict of interest could be mitigated provided the interested party agreed to comply with certain conditions. In another 118 consultations, the CGU did not identify any relevant risk of conflict of interest, authorising the interested party to exercise the activity under consideration.

**Romania's electronic system for the prevention of conflicts of interest in public procurement processes**

In 2017, the Romanian National Integrity Agency (ANI) established the PREVENT system aiming to inhibit potential conflicts of interest in public procurement contracts. PREVENT acts as an ex-ante verification mechanism, by investigating potential conflicts of interest within the electronic public procurement system (SEAP) and by removing those without affecting any ongoing procedures. By acting before a contract is signed, PREVENT can highlight any potential conflicts without putting the contracts, and thus public finances, at risk. The focus is on a preventive, ex-ante approach as opposed to sanctions and ex-officio investigations.

PREVENT works on the basis of information submitted by contracting authorities (Cas) as required by Romanian Law no. 99/2016, including information on the procurement procedure, the decision-maker,

the consultants involved, the evaluation commission, as well as data on bidders. PREVENT cross-references this information with information from three databases: the Public Procurement Electronic Service (SEAP), the Directorate for Personnel Records and Database Administration (DEPABD) and the National Trade Registry Office (ONRC). Once these checks are completed, the system generates notifications for ANI inspectors, in case a conflict of interest arises. If deemed necessary, the system can also electronically transmit an "Integrity Warning" to the person who is subject to the potential conflict of interest and the CA top level managers. The head of the CA has a duty to investigate any arising case of conflict of interest and are obliged to take action to resolve it, as necessary. Currently, there is a 98% compliance rate regarding this obligation. At the same time, ANI has an obligation to verify that all necessary takes have been taken to resolve the conflict of interest. In case of non-compliance with the CA's duties, ANI is mandated to initiate ex-officio investigations.

Source: (UNODC, 2018[30]) (CGU, 2023[31]) (European Commission, 2021[32]); Information provided by ANI officials.

The benefits of interoperable administrative databases are manifest. They enable public organisations to exchange up-to-date information, strengthen cross-checking, increase the efficiency of decision making, and enable the automation of alerts (OECD, 2020[9]). While members of the Ethics Committee made clear during consultations that the Committee itself does not hold an advisory role, the secretary of the Committee and General Secretariat do have an advisory capacity. As GRECO noted, the use of declarations of conflicts of interest for preventive or counselling purposes is yet to be exploited (Group of States Against Corruption (GRECO), 2022[4]). Better data sharing could enable the secretary of the Ethics Committee and General Secretariat to use declarations of interest to inform their advisory function and better exercise their preventive roles in Greece's conflicts of interest system, potentially also addressing the concerns raised by GRECO.

Finally, improved information sharing between the Audit Committee of asset declarations of Law 5026/2023 and the NTA Ethics Committee could improve the implementation of post-employment restrictions applicable to persons referred in Article 68 of Law 4622/2019 (senior public officials and non-permanent staff). In particular, the Audit Committee in its capacity to receive and control asset declarations could compile and share with the Ethics Committee a list of declarants subject to the requirement of Articles 4-16 and 18(1) of Law 5026/2023 to submit an asset declaration after leaving public office. This cross-reference of information would allow the NTA Ethics Committee to monitor and identify persons who are actually subject to post-employment restrictions and are required to obtain the Committee's permission to be able to perform a professional or business activity that may be related to the activity of the public body to which they were previously appointed (Articles 68, 73, 74 and 76 of Law 4622/2019).

## 1.3. Proposals for action

The recommendations provided in this Chapter are an input on how Greece could improve its conflict-of-interest system. As such, these proposals may inform on-going legal and institutional reforms and help address the current fragmentation of its legal and institutional system.

First, Greece could consider steps to improve the national legal framework for conflicts of interest by:

- Developing a single policy framework with a unified definition of conflicts of interest applicable to the entire public administration.
- Amending the legislation to limit the list of existing prohibitions to move from a prescriptive towards an advisory approach to conflicts of interest.

Second, Greece could seek to increase the effectiveness of institutional arrangements for the implementation of the conflict of interest legal framework by:

- Progressing the recruitment of Integrity Advisors to increase their number across the public sector as quickly as possible.
- 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 for.
- Offering public office holders more training on institutional responsibilities in its integrity framework, including for members of Government, members of Parliament and political advisors.
- Targeting training on conflicts of interest at high-risk office holders.
- Promoting mechanisms for information sharing: a) between advisory bodies, such as the NTA Ethics Committee and the General Secretariat for Legal and Parliamentary Affairs of the Presidency of Government, with a view to provide consistent advice and establish a jurisprudence which can inform future decisions; b) between the NTA Ethics Committee and Audit Committee of asset declarations of Law 5026/2023 with a view to improve the implementation of post-employment restrictions to persons referred in Article 68 of Law 4622/2019 (senior public officials and non-permanent staff) and the monitoring of declarants subjects to the requirement of submitting an asset declaration after leaving public office.

# 2 Recommendations for enhanced conflict of interest mechanisms in Greece

Building on the findings of the mapping and gap analysis report, this Chapter provides recommendations and presents selected good practices for enhancing Greece's conflict of interest mechanisms. In particular, the chapter examines how to best leverage the use of conflict of interest declarations, proposes ways to strengthen the management procedures for various categories of public officials, as well as the asset declarations regime and includes recommendations for mainstreaming conflict of interest regulations through the entire Greek public sector.

## 2.1. Distinguishing between conflict-of-interest prevention policy and financial disclosures

### *2.1.1. Greece could consider clearly defining the objectives and verification process of financial interest declarations in Law 5026/2023*

Greece could consider analysing the use of  of the asset and financial interest declarations to further clarify their distinct objectives, which should be reflected in Law 5026/2023 or in an implementing regulation. Defining the objectives of each type of declaration will also provide the opportunity to develop a verification process for financial interest declarations that is fit for purpose, thus making them a useful tool to formalise and institutionalise conflict of interest management. This institutionalisation process can help mainstream the identification and avoidance of conflicts of interest as part of the integrity framework in Human Resource Management (HRM) in the public service. In fact, fit for purpose financial disclosures can be used to manage conflicts of interest throughout the HRM cycle – from recruitment to post-employment (UNODC, OECD and World Bank, 2020[33]).

Separate verification processes may also provide a more tailor-made approach to the needs of the verification agency considering that verification of assets requires yearly declarations and a contrast method against other relevant financial information, whilst an interest declaration and verification may be made on an ad-hoc basis or when an emerging conflict of interest arises. In this context, Greece could consider the experience of other OECD countries such as France and Lithuania, who follow a dual model using separate declaration forms and separate procedures for submission and processing. The systematic review and verification of financial disclosures ensures the enforcement of conflict-of-interest rules and the imposition of sanctions for non-compliance. Official review mechanisms aim to address non-resolved conflicts of interest when they arise. To this end, the scope of conflict-of-interest-related review of financial disclosures can cover:

- Compliance with various restrictions that aim to build integrity in public service, notably those concerning prohibited outside activities (rules on incompatibility), divestment of financial interests,

prohibited gifts, post- employment restrictions and others. Non-compliance with these restrictions and requirements can result in sanctions.

- Detection of specific interests or activities that may give rise to situations of potential, actual or apparent COI with the public official's duties and position; in some cases these may require counselling on how to avoid an actual conflict of interest or other remedies, but not necessarily sanctions. This type of review looks at two areas of concern: (i) the official's expected involvement in decision-making processes (e.g., procurement decisions, granting of licenses and permits, dispute resolution, inspections, resolution of administrative complaints and other cases); and (ii) the official's potential participation in the development and approval of policies and regulations, which may affect the official's reported interests and activities.

Box 2.1 provides a detailed example of procedures using financial disclosures from the USA showcasing how the rationale of the review process is different in this case.

### Box 2.1. Example of procedures using financial disclosures to manage conflicts of interest: USA

**Procedure for financial disclosures of Presidential Nominees**

A presidential nominee to a position requiring the advice and consent of the Senate is required by law to file a financial disclosure form no later than five days after nomination by the president for the position. Filers are generally required to file a report with the White House as part of the background review process before their nomination is announced, which is then reviewed by OGE and the nominee's potential future agency. As a part of the disclosure, the filer must report:

- filer's positions held outside US Government for preceding two years;
- filer's employment, assets & sources and amounts of income and retirement accounts;
- filer's employment agreements and arrangements with those outside of the government as of filing date;
- filer's sources of compensation exceeding USD 5 000 in a year for preceding two calendar years to filing dates;
- spouse's employment, assets & and sources of income and retirement accounts;
- other assets and income of the filer, spouse and dependent children;
- liabilities over USD 10 000 arising in the preceding calendar year to the filing date.

**Typical Steps in the Review of a Draft Report**

The filer submits a draft report to the White House. Most filers will complete and submit their draft report using Integrity, the Office of Government Ethics' (OGE) electronic financial disclosure system. The White House releases the draft report to OGE and to the agency where the position is located. OGE and the agency review the draft report, ask follow-up questions, provide guidance on addressing technical disclosure issues, and analyze disclosed items for potential conflicts of interest. A draft ethics agreement (see below) is prepared outlining the steps the filer will take to avoid conflicts of interest. OGE preclears (i.e., tentatively approves) the report and the ethics agreement.

**Typical Steps in the Review of a Final Report**

The filer is formally nominated by the president. The filer formally files the report containing any necessary amendments that have been identified in the preclearance process. For filers who use Integrity, formal filing requires the filer to log into Integrity, open the report, and re-submit it. The agency's Designated Agency Ethics Official (DAEO) certifies the report and provides OGE with the

report, the final ethics agreement, and an opinion letter stating that based on the report and the ethics agreement, the filer is in compliance with applicable laws and regulations. OGE staff review the materials for completeness and transmit for final review and certification by OGE.

**Resources used during a review**

As a general matter, each nominee's financial disclosure is reviewed on the basis of the information submitted to determine whether the individual is in compliance with applicable laws, including the reporting requirements of the Ethics in Government Act and the Federal Ethics Laws. Agencies and OGE may use the following documents to assist in the review:

- the filer's prior reports and any supporting materials (if applicable);
- the notes of an individual who performed an earlier review of the report (if applicable);
- the instructions accompanying the financial disclosure form;
- federal ethics laws and regulations;
- agency's prohibited holdings list (if applicable);
- a list of agency's grantees, contractors, licensees, etc.;
- OGE legal and program management advisories; and
- financial reference materials and/or access to the internet to conduct research.

For any financial disclosure report, if the reviewing official concludes that information disclosed in the report may reveal a violation of applicable laws and regulations, the official shall: (i) notify the filer of that conclusion; (ii) afford the filer a reasonable opportunity for an oral or written response; and (iii) determine, after considering any response, whether or not the filer is then in compliance with applicable laws and regulations. Because nominee financial disclosure reports are filed before an individual is an employee of the United States, information disclosed is generally used to establish an ethics agreement to ensure that if the individual is appointed to a position, he or she will be able to comply with all relevant ethics laws.

If the reviewing official concludes that the report does not fulfill the requirements, he shall: (A) notify the filer of the conclusion; (B) afford the filer an opportunity for personal consultation if practicable; (C) determine what remedial action should be taken to bring the report into compliance with the requirements; and (D) notify the filer in writing of the remedial action which is needed, and the date by which such action should be taken.

Source: (United States Office of Government Ethics (OGE), 2018[34]); (Government of the United States, 2023[35])

## 2.2. Strengthening procedures and mechanisms for the prevention and management of conflicts of interest in Greece

### *2.2.1. Procedures for civil servants of the State and of legal persons governed by public law*

*Greece could consider abolishing the asset declarations of Article 28 of the Code on the Status of Civil Servants (Law 3528/2007) and replacing them with an internal system for the management of conflicts of interest focused on prevention*

Currently, the only tool that could serve the purpose of identifying conflicts of interest are the financial interest declarations of Law 5026/2023 (Article 23), which are, nevertheless, submitted centrally and do

not allow the monitoring and evaluation on a case-by-case basis within public entities. To this end, Greece could consider streamlining its declarations regime by abolishing the asset declarations of Article 28 of the Code on the Status of Civil Servants. As a next step, these could be replaced by an internal organizational process for the declaration and management of conflicts of interest, including ad hoc conflicts, that would enable an enhanced review of interests' declarations as a tool to improve preventive mechanisms. Box 2.2 presents the indicative content of declarations that are used for preventive purposes in Australia.

### Box 2.2. The Conflict of Interest Disclosure Form of the Department of Social Services, Australia

In order to manage a conflict-of-interest situation, employees in the Department of Social Service in Australia need to fill out a conflict of interest disclosure form. The employee is asked the following questions:

- Describe the private interests that have the potential to impact on your ability to carry out, or be seen to carry out, your official duties impartially and in the public interest
- Describe the expected roles/duties you are required to perform
- The conflict of interest has been identified as non-pecuniary, a real, apparent or potential conflict of interest or pecuniary interest.

The employee then signs a declaration that declares that they have filled out the form correctly and that they are aware of the responsibility to take reasonable steps to avoid any real or apparent conflict of interest. The employee also commits to advise the manager of any changes. The manager, who describes the proposed mitigation strategy to address the real or perceived conflict of interest, and explains why this course of action was taken, completes the form. This action has to be signed by both the employee and manager. Once completed, the form is sent to the section manager and the workplace relations and manager advisory section for retention on the employee's personnel file.

Source: Department of Social Services, https://www.dss.gov.au/sites/default/files/files/Conflict_of_Interest_disclosure_form.docx

This type of declaration can be used to identify and manage conflicts of interest across the HRM cycle, including their prior to appointment or election, during public service, on an ad-hoc basis for significant changes or emerging situations of potential conflict of interest, as well as when leaving and following public service (OECD, 2003[2]). In principle, the current content of financial interest declarations as determined in Article 23 of Law 5026/2023 is fit for preventive purposes. The name of these declarations could be changed to "interest declarations" to reflect the notion of interest in its globality, including also non-financial interests. Therefore, Greece could additionally consider shifting their review process from external audit bodies (Audit Committee of Law 5026/2023) to senior managers, as is the case in other OECD countries (OECD, 2017[36]), for example Australia, Canada and Lithuania Box 2.3. As an additional safeguard, senior managers could have the responsibility to refer the case to the Audit Committee of Law 5026/2023 for detailed investigation in the event of serious doubt about the existence of a conflict of interest.

### Box 2.3. Prevention and management of conflict of interest in Lithuania

As it relates to prevention and management of conflict-of-interest situations, centralised guidance relies heavily on the internal management of each institution, including ethics officers. According to the subsidiarity principle, each public entity is responsible for creating a corruption resilient environment. In so far, each entity has dedicated ethics officers, who are responsible for monitoring and mitigating conflicts of interests, as well as ensuring the timely and correct submission of interest declarations. Liaison officers conduct a preliminary assessment of submitted interest declarations, which are then verified by the Chief Officials Ethics Commission (COEC).

Source: (OECD, 2023[37])

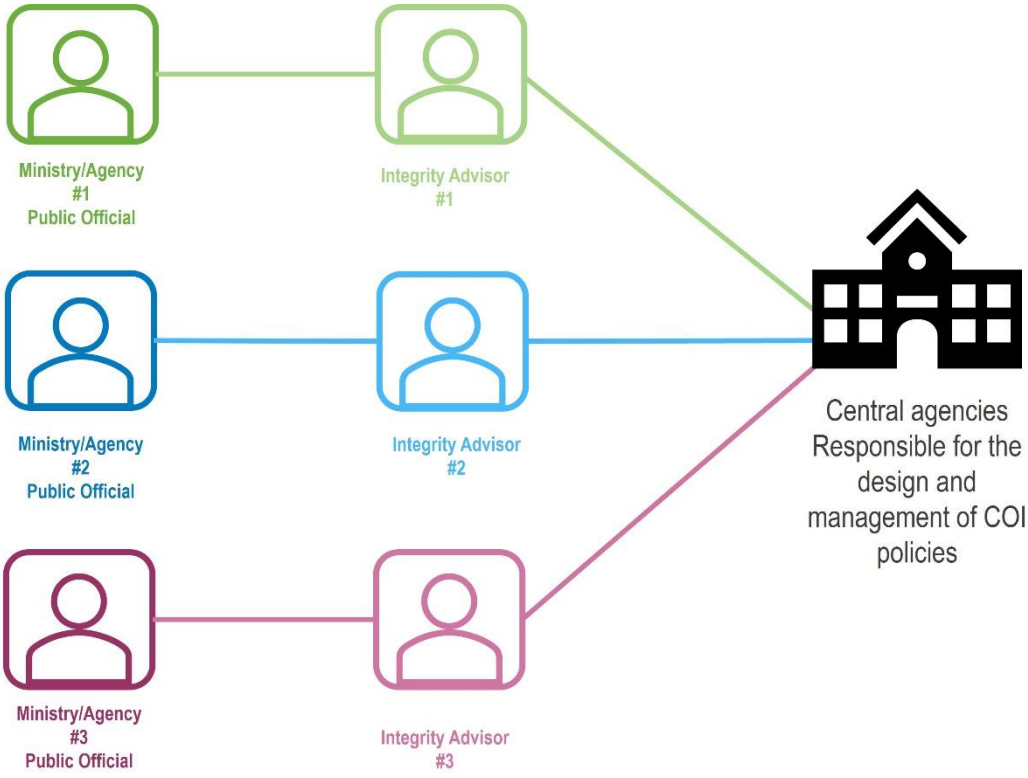
In this scheme, the newly established institution of the *Integrity Advisors* (Articles 23-30 of Law 4795/2021), would be best positioned and trained to provide advice on specific conflict of interest issues, as well as to provide avenues for their resolution. Nevertheless, when determining the content of conflict of interest declarations it is important to keep in mind that these are a tool aiming to capture a variety of situations beyond outside interests and activities of public officials and their familial or other close relationships, including among others revolving door phenomena, nepotism, as well as undue acceptance of gifts.

In any case, the amendments and clarifications of the management process should be supported by proper guidance. Currently, while the Code of Ethics succeeds in guiding employees facing ethical dilemmas and incidents of conflicts of interest arising in the exercise of their duties, it does not include a concrete process for their management and resolution. As explained in detail in the previous sections, this should be established in the legal framework and then operationalized and supported by the tools provided in the Code of Ethics (check-lists, practical examples, etc.).

*In line with a proactive approach, Greece could consider strengthening the advisory functions of Integrity Advisors and adopting a more streamlined organisational process for managing conflicts of interest*

The establishment of Integrity Advisors Offices is a novel reform that signals ownership and commitment by individual entities to implementing integrity rules. Indeed, the development of these Offices should be seen as true liaison points for ethical issues and the application of ethical standards (ethics charters, codes of conduct, etc.). It further provides a unique opportunity to institutionalise a conflict-of-interest management model in which each agency or department has access to a source of training and counseling on site, conflict-of-interest management advice (Figure 2.1). Such a model ensures harmonised implementation of conflict-of-interest laws and regulations, as guidance and standards are provided by the central competent agency, in the case of Greece, the Ministry of Interior and the NTA. At the same time and to strengthen harmonisation, the central agencies can design the programme, set the policies and periodically evaluate the programme design and the policy implementation. Overall, they can serve as central advisory bodies to ensure consistency in interpretation and implementation, train officials serving in the agency and oversee each agency's compliance with those programmes.

### Figure 2.1. Conflict of Interest system centrally managed with integrity advisors in each agency of Ministry




Source: Adapted from (UNODC, OECD and World Bank, 2020[33])

To this end, Greece could consider leveraging the momentum of this reform and elaborating on the advisory functions of Integrity Advisors in the management of conflicts of interest, as currently set out in Article 24 of Law 4795/2021. To strengthen the role of Integrity Advisors, Greece could make the Integrity Advisors Offices the first and primary channel of advice within the agency. The Integrity Advisor should be there to support public officials in the prevention and management of conflicts of interest and, propose actions for the resolution of potential conflicts. This approach would also increase trust in public institutions and is applied, for example, in Australia, Canada, Sweden and the USA (UNODC, OECD and World Bank, 2020[33]) (OECD, 2003[2]) (Box 2.4). In assigning this responsibility to Integrity Advisors, Greece could pave the way for a proactive approach to managing conflicts of interest moving beyond mere standards and supporting the actual implementation of such standards with measures aimed at fostering a culture of integrity in which public officials are encouraged to actively identify and manage potential conflict-of-interest situations in an open organisational culture in line with Principle 9 of the OECD Recommendation on Public Integrity (OECD, 2017[36]).

### Box 2.4. Conflict of interest management system in the USA

The Office of Government Ethics (OGE) serves as the central policy and program design office for the executive branch. The head of each executive branch agency or department must select a Designated Agency Ethics Official (DAEO) and an Alternate Designated Agency Ethics Official (ADAEO) to carry out the day-to-day activities of the ethics and conflicts of interest program, including education, counseling training and financial disclosure collection and review.

OGE establishes overall ethics policies, defines minimal ethics program standards, trains ethics officials regarding the ethics laws, and serves as a source of counsel to them when they are faced with difficult questions of interpretation. OGE also oversees the agencies' implementation of the ethics program responsibilities. Financial disclosures are designed to gather information to detect conflicts of interest, not illicit enrichment, and they are used as vehicles to counsel employees. Matters that require investigation are referred to the respective agency's Office of Inspector General. OGE has a close working relationship with the Inspectors General throughout the executive branch.

Discipline for violating the standards of conduct including its conflict of interest provisions is imposed by the agency, typically a supervisor, following standard procedures. Restrictions on statutory prohibitions on outside employment and earned income are enforced through civil actions taken by the Department of Justice. Prosecutions for violations of the criminal conflict of interest statutes are also handled by the Department of Justice; this is true for all three branches. OGE has a memorandum of understanding with the Department of Justice so that it and its ethics officials may give advice and counsel on the application of the criminal conflict of interest statutes. To put the size of this model in perspective, while OGE has a staff of less than 80 there are several thousand executive branch officials involved in administering the program worldwide, from full-time and part-time ethics officials providing substantive support of the training, advice, and financial disclosure functions, to ethics-adjacent administrative, human resources, and information technology functions

Source: (UNODC, OECD and World Bank, 2020[33])

In light of the above recommendations, this report proposes a new simpler process for declaring conflicts of interest presented in Box 2.5.

### Box 2.5. Roadmap of indicative measures for the adoption of an internal conflict of interest management process centred on the advisory role of the Integrity Advisors

The proposed measures are indicative and based on the analysis and recommendations of this section of the report, as well as the processes established in other legal instruments, in particular Law 4622/2019 regarding members of government and other senior public officials. They can serve as an initial roadmap for the implementation of a streamlined process for the management of conflicts-of-interest in line with a proactive approach.

a) Upon entry to the organisation, an initial meeting is organised with the Integrity Advisors, who explains relevant obligations, supports the public official in submitting the initial declaration of interests, explains their content and the applicable process. This could be supported through the development of complementary leaflets or relevant guides for public officials. The initial declaration to is submitted to the senior manager within one month upon entry to public office. The initial declaration could be a standardised form,including as a minimum the following:
    - Description of private interests that may impact the public official's ability to carry out, or to be seen to carry out official duties impartially and in the public interest. In particular, private interests may include professional activities pursued by them and their spouses or partners over the last three years, participation by them or their spouses or partners in the capital or management of enterprises in any form, any other activity undertaken by them or by their spouses or partners, whether paid or not, which may, in their judgement, create a situation of conflict of interests in the performance of their duties;
    - Description of the expected role or duty;
    - Identification of the conflict of interest as financial, non-financial, real, apparent or potential.

b) Solemn declaration that the public official has submitted accurate information and has been informed of his/her obligations by the Integrity Advisor and his/her responsibilities to avoid any real or apparent conflict of interest. The public official also commits to advise the Integrity Advisor of any changes.

c) The Integrity Advisor describes the proposed mitigation action to address the real or perceived conflict of interest and completes a form indicating the proposed measures and their justification. This action has to be signed by both the employee and manager. The form is retained in the public official's personnel file.

d) Subsequent declaration to be submitted to the senior manager after discussion with the Integrity Advisor on any later perceived or actual conflict of interest, as soon as the public official becomes aware of it.

e) If the Integrity Advisor needs guidance, s/he addresses the NTA for advice.

Source: Developed by the OECD.

### *2.2.2. Procedures for Members of Government and persons selected by the Government entrusted with top executive functions under Article 68 of Law 4622/2019*

*Greece could strengthen the role of the General Secretariat for Legal and Parliamentary Affairs of the Presidency of Government to increase transparency of decisions*

Currently in Greece, the main institutional actors of the review process are the General Secretariat for Legal and Parliamentary Affairs of the Presidency of Government and the Prime Minister. In this process, the General Secretariat functions in support of the Prime Minister. In fact, the opinions of the General Secretariat are non-binding. This seems reasonable in the sense that the Prime Minister is the head of the executive branch. So, if, for example, at the organisational level, in a Ministry the person responsible for taking actions in case of violation of conflict of interest regulations would be the Minister (as head of the Ministry), respectively for the members of Government that person would be the Prime Minister. Notably, the Prime Minister himself/herself submits his/her declaration to the General Secretariat. This is a key loophole in this system and the root cause of the concerns expressed from international organisations and civil society.

To address this shortcoming, Greece could consider strengthening the decision-making role of the General Secretariat for Legal and Parliamentary Affairs, ensuring its operational independence, and removing the role of the Prime Minister in this process. Instead, an external oversight body, such as the NTA, could undertake the assessment currently carried out by the Prime Minister by issuing a binding decision. Indeed, experience shows that the externalisation of the review process to an independent and autonomous body ensures a more that the process is unbiased and effective. At the end of the review process, the case could be referred back to the Prime Minister for the administrative implementation of the conflict-of-interest measure proposed by the General Secretariat and/or the NTA.

### *2.2.3. Procedures for political appointees and special advisors*

*Greece could consider further streamlining the conflict-of-interest regime for political appointees and special advisors*

As analysed in the first chapter of this report, Greece has adopted various laws seeking to improve the regulation of conflict of interest for political advisors (Laws 5026/2023, 4940/2022, 4622/2019). Despite the progress in addressing conflict-of-interest issues for political advisors, there is still some fragmentation in the management process established under the new regulations. Indeed, initial conflict of interest declarations are submitted upon entry into public office to the head of the competent Directorate of the public agency in accordance with Article 76 of Law 4622/2019. At the same time, ad-hoc declarations are submitted to the General Secretariat for Legal and Parliamentary Affairs of the Presidency of the Government (Article 72(2) of Law 4622/2019).

To this end, Greece could consider streamlining the management of conflict of interest for political appointees and special advisors by fully shifting this process to the mandate of the individual public agencies, as is the case for initial declarations. In line with the recommendations provided above, all conflict of interest declarations (initial and ad-hoc) could be submitted to senior managers with the support of Integrity Advisors, thus enhancing their preventive role. Moreover, this simplified approach would create more clarity and help this category of public officials better understand their obligations.

### *2.2.4. Procedures for elected officials of local government*

*Greece could consider codifying 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*

The analysis of the conflict-of-interest processes for elected officials of local government indicates that there is a fragmentation of the legal framework with different provisions and standards applying in the various categories. For example, according to Article 159A of Law 3852/2010, the suspension of professional activities covers only regional governors and not mayors.. In so far, Greece could re-assess the applicable legal and regulatory framework in order to codify and streamline the conflict-of-interest regime for elected local government officials and develop a consistent set of rules for the prevention and management of conflicts. In the framework of this assessment, Greece could further establish regulations regarding pre-and post-employment. These should be developed in alignment with the recommendations provided for other categories of public officials in following sections of this report.

*Greece could provide further guidance to clarify the conflict of interest and management processes for elected officials of local government and provide more guidance on their implementation*

As highlighted in the gap analysis, the existing regime for elected local government officials 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. For example, while there is an obligation to declare conflicting private interests (Article 61(1)(c)), it is not clarified who is receiving these declarations and which exact process should be followed. This is the case both for the regulations of Laws 3463/2006, 3852/2010 and the Code of Ethics for Elected Officials of Local Government. Therefore, further guidance is necessary to facilitate elected officials' understanding. This guidance could take the form of a manual dedicated to the conflict of interest situations arising specifically in local government, including also step-by-step guides for their effective management and resolution. Box 2.6 presents a relevant example from Australia.

### Box 2.6. Fact sheet on conflict of interest for councillors

The Local Government Inspectorate (LGI) of the State of Victoria in Australia is an independent government agency overseeing the implementation of the Local Government Act 2020. To encourage higher standards of integrity, accountability and transparency in local government, the LGI developed a fact sheet for the management of conflict of interest of local councillors. The fact sheet containing key information on the following issues:

- What is a conflict of interest and why does it matter?
- What are the basic principles of managing conflicts of interest?
- Who does it apply to?
- How has the Local Government Act changed?

In addition, the fact sheet establishes that it is a personal responsibility to disclose a conflict of interest. It is, therefore, important that councillors and officers understand the requirement and seek further advice to avoid being challenged and accused of breaching their statutory obligations.

In line with OECD standards, the fact sheet distinguishes between two types of conflict interest: material and general conflict of interest. It also provides clear examples of what is and isn't a conflict of interest, including potential real or perceived conflicts:

| Potential conflicts of interest | Interests that are not in breach |
|---|---|
| • A councillor fails to excuse themselves when their partner applies for a job as the CEO.<br>• A councillor is a part owner of a development company which submits a planning application to council.<br>• A councillor is a board member of a for profit sporting club which has applied for a council grant.<br>• A councillor works as a consultant for an arts organisation which has applied for a council grant.<br>• A councillor does not leave a delegated committee or council meeting where there is a discussion or decision about a planning permit for a development next door to the councillor's property.<br>• A councillor does not leave a meeting where council makes a decision on a planning permit for a property belonging to the councillor's mother-in-law.<br>• A councillor makes a decision on a proposal to change the parking arrangements in their street.<br>• A councillor's friend applies for a community grant and does not leave the meeting when the grants are considered and approved by council. | • A councillor's daughter is a coach (and not an office holder) at a not-for-profit community soccer club and the councillor considered an application for funding by the club.<br>• A councillor's husband is the editor of a local newspaper which reports on the council.<br>• A councillor is a member of a charity aimed at minimising harm from gambling. She voted on an application by a hotel to extend liquor license hours which affect the hours the gaming machines can be used.<br>• A councillor is a member (not a board member) of a local sporting club and took part in a decision to redevelop the sporting ground. The councillor's interests do not exceed others as a substantial proportion of local residents belong to sporting clubs.<br>• A councillor works in alcohol research for a university and voted on the council's strategic plan, which includes an objective to reduce harm associated with alcohol. The council plan is a very general so the conflict is considered remote or insignificant. |

Finally, the fact sheet presents the channels available to councillors for seeking advice on conflict of interest. These include the council's Chief Executive Officer, the Municipal Association of Victoria and the Victorian Local Governance Association.

Source: (Local Government Inspectorate of the State of Victoria, 2022[38])

## 2.3. Improving pre- and post-employment regulations

*Greece could consider establishing regulations on pre-employment and developing measures for possible conflicts of interest in these situations*

Moving towards a comprehensive conflict of interest regime and to address the legal vacuum arising from the lack of rules to regulate pre-employment, Greece could consider implementing practical measures, such as 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. These types of restrictions are already implemented in France and the United States (Box 2.7). Such restrictions could be part of the single policy on conflicts of interest proposed above.

### Box 2.7. Pre-employment restrictions in France and the USA

**France**

In France, the public service transformation Act of 6 August 2019 tasks the High Authority for Transparency in Public Life (Haute Autorité pour la transparence de la vie publique, HATVP) with a "prenomination" control for certain high-ranking positions. A preventive control is carried out before an appointment to one of the following positions, if an individual has held positions in the private sector in the three years prior to the appointment:

- Director of a central administration and head of a public entity whose appointment is subject to a decree by the Council of Ministers.
- Director-general of services of regions, departments or municipalities of more than 40 000 inhabitants and public establishments of inter-municipal co-operation with their own tax system with more than 40 000 inhabitants.
- Director of a public hospital with a budget of more than EUR 200 million.
- Member of a ministerial cabinet.
- Collaborator of the President of the Republic.

Articles 432-12 and 432-13 of the Penal Code places restrictions on private-sector employees appointed to fill a post in the public administration. The HATVP controls the pre-employment process by measuring the risk that the future public sector employee might be pursued in application of article 432-12 of the Penal Code. This control aims to protect both the employee and the administration of any accusations and contributes to enhancing trust. To avoid any conflicts of interest, the HATVP can formulate binding reservation of actions. For a period of three years after the termination of their functions in their previous employment, private-sector employees appointed to fill a post in the public administration may not be entrusted with the supervision or control of a private undertaking, with concluding contracts of any kind with a private undertaking or with giving an opinion on such contracts. They are also not permitted to propose decisions on the operations of a private undertaking or to formulate opinions on such decisions. They must not receive advice from or acquire any capital in such an enterprise. Any breach of this provision is punished by Article 432-12of the Penal Code by five years' imprisonment and a fine of EUR 500 000. The amount of the fine can be doubled by the amount of the product of the infraction.

**United States**

Once they have taken office, former private-sector employees and lobbyists are subject to a one-year cooling-off period in situations where their former employer is a party or represents a party in a particular government matter. This restriction applies not only to former private-sector employees and lobbyists,

but also to any executive branch employee who has, in the past year, served as an officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee of an individual, organisation or other entity.

In the case of an employee who has received an extraordinary payment exceeding USD 10 000 from their former employer before entering government service, the employee is subject to a two-year cooling-off period with respect to that employer.

Source: (OECD, 2021[39])

Similarly, in Australia, each public entity must conduct vetting to ensure the eligibility and suitability of its personnel who have access to government resources. While checking personal identity and eligibility to work in the country is mandatory, integrity and reliability checks are recommended. The screening system is built on both data-driven screening and qualitative assessment methods (Table 2.1)

### Table 2.1. Recommended pre-employment checks in the Australian public service

| Screening check | Rationale |
|---|---|
| **Integrity and reliability check** | |
| *Employment history check* | An employment history check identifies whether there are unexplained gaps or anomalies in employment |
| *Residential history check* | A residential history check helps to substantiate the person's identity in the community. All personnel need to provide supporting evidence of their current permanent residential address. |
| *Referee checks* | A referee check helps entities engage people of the appropriate quality, suitability and integrity. The Attorney-General's Department recommends conducting professional referee checks covering a period of at least the last 3 months. A referee check may address:<br>a. any substantiated complaints about the person's behaviour.<br>b. information about any action, investigation or inquiry concerning the person's character, competence or conduct<br>c. any security related factors that might reflect on the person's integrity and reliability |
| *National police check* | A national police check, commonly referred to as a criminal history or police records check, involves processing an individual's biographic details (such as name and date of birth) to determine if the name of that individual matches any others who may have previous criminal convictions. |
| *Credit history check* | A credit history check establishes whether the person has a history of financial defaults, is in a difficult financial situation, or if there are concerns about the person's finances. |
| **Qualification check** | A qualification check verifies a person's qualifications with the issuing authority |
| **Conflict of interest declaration check** | A conflict-of-interest declaration identifies conflicts, real or perceived, between a person's employment and their private, professional or business interests that could improperly influence the performance of their official duties and thus their ability to safeguard Australian Government resources. A conflict can be brought by (and not limited to) financial particulars, secondary employment and associations. |
| **Entity-specific checks** | The Attorney-General's Department recommends entities identify checks needed to mitigate additional entity personnel security risks where not addressed by the recommended minimum preemployment screening checks. Additional screening checks are entity-specific and are separate from the security clearance process. Some examples of entity-specific checks include drug and alcohol testing, detailed financial probity checks and psychological assessments. |

Source: Adopted from (Australian Government Attorney General's Office, 2022[40])

With regards to pre-screening integrity checks, a good practice can be found in some private companies in Greece which reportedly conduct voluntary background checks about previous employment during recruitment processes. According to Greek private sector stakeholders, these checks go beyond national legal requirements and look into international guidance and best practice. A key principle applied in the framework of these checks is "*The higher the position, the deeper the investigation*". Private companies are striving to implement these types of controls not only to ensure compliance, but also to avoid potential reputational risks for companies, which may have a severe impact on their marketability.

The revolving door generally refers to the movement of individuals in and out of public service rather than making public service a life's career. While there is nothing inherently wrong with moving in and out of public service, it does create situations that have a higher risk for conflicts of interest. For example, when coming into public service, an individual may bring continuing financial ties or strong personal ties with those with whom he or she has just worked. Those ties can or may appear to affect the impartiality of the public official for some period after entering service and should be addressed in the conflict of interest management system. An individual who is considering leaving public service for a position outside the government can or may reasonably appear to be using his current official authorities to aid his or her desire to make a good impression on those with whom he or she wishes to secure a new position. An effective conflict of interest management system should address that potential conflict of interest as well. The individual who has just left government service may still be able to use information and influence with former colleagues gained while in service, so an effective conflict of interest management system should address those risks as well (UNODC, OECD and World Bank, 2020[33]).

In devising its revolving door regime, a country should keep in mind that revolving door restrictions should protect governmental processes from abuse but should not be so onerous that it can no longer attract the highly talented individuals it needs for certain positions into the public service. This requires a balance of competing public interests. In light of this practice, Greece could strengthen its partnership with the private sector and seek their collaboration in developing similar measures for public sector entities. Beyond enhanced cooperation between the public and private sectors, this would also create a sense of ownership and engagement from the private sector.

### *Greece could seek to balance post-employment regulations*

There is no "one size fits all" approach when it comes to the length of cooling-off periods. When considering the length of cooling-off periods, it is important to consider the principle of proportionality. Core factors of proportionality include whether the time lengths are fair, proportionate and reasonable, considering the seriousness of the potential offence. Tailoring the duration of restrictions is also necessary depending on the type of problem area and level of seniority (UNODC, OECD and World Bank, 2020[33]). Countries should rather seek to assess the effectiveness and objectives of these restrictions, keeping in mind that there should be a right balance between restrictions safeguarding integrity and incentives for a flexible labour market (OECD, 2022[41]). Nevertheless, Greece could align post-employment cooling-off periods with the duration of lobbying restrictions, which currently stands at 18 months, as proposed by GRECO (GRECO, 2022[42]). This would also help avoid confusions between the time limits for professional and business activities and lobbying activities. In any case, the duration of the cooling off period should be streamlined across the board and looking into more specific regulations of individual organisations (Table 2.2).

### Table 2.2. Overview of post-employment restrictions in regulatory authorities in Greece

| Law Title | Law nr. | Article | Type of restriction | Scope of application |
|---|---|---|---|---|
| Law on the Hellenic Single Procurement Authority | 4412/2016 | 349(7) | 2-year cooling-off period | President, Councillors and members of the HSPPA |
| Law on the Hellenic Competition Commission | 3959/2011 | 12 (11) | 3-year ban to defend cases before the Commission or appeal cases of the Commission before court | Members of the Hellenic Competition Committee |
| Law on the Regulatory Authority for Energy | 4001/2011 | 10(8) | 2-year cooling-off period | Members of the Regulatory Authority for Energy |
| Law on the Hellenic Data Protection Authority | 4624/2019 | 12 | 2-year ban from appearing before the Authority | Members of the Hellenic Data Protection Authority |
| Law on the Hellenic Slot Coordination Authority | 4233/2014 | 4,(6) | 1-year cooling-off period | Members of the Hellenic Slot Coordination Authority |
| | | 10(3) | 1-year cooling-off period | Employees of the Hellenic Slot Coordination Authority |
| Law on the Port Regulatory Authority | 4389/2016 | 109(10) | 3-year cooling-off period | President, Vice-President and members of the Port Regulatory Authority |
| Law on the Hellenic Telecommunication and Post Commission | 4070/2012 | 6(8) | 5-year cooling-off period | President, Vice-Presidents and members of the Hellenic Telecommunication and Post Commission |

Source: Greek legislation.

This fragmentation of provisions has led to cases where the NTA Ethics Committee had to clarify that it is not possible for a member of an independent authority to be subject to stricter regulations than the President of the same authority (NTA Ethics Committee, 2021[43]). In this regard, the Committee submitted in 2021 a written contribution to the General Secretariat for Legal and Parliamentary Affairs of the Presidency of Government about the necessity of reviewing the legal framework regarding the personae scope of Art. 68 of Law 4622/2019 and especially about the necessity of a legislative intervention to resolve the conflict between Art. 68 of Law 4622/2019 and special laws applicable to certain Independent Authorities, as mentioned above.

Greece could further 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. Similar approaches are applied in Italy and Spain (Box 2.8).

### Box 2.8. Post-employment restrictions in Italy, Spain and the USA

**Italy**

In Italy, specific national legal provisions(d.lgs.165/2001,art.53,c.16-ter,modified by the Anti-corruption law n. 190/2012), prevent public officials who have held managerial and negotiating positions in the previous three years from performing related duties in a private sector entity.

**Spain**

In Spain, the legal framework is used to encourage companies to comply with post-public employment legislation. Law 9/2017 on public sector contracts reinforces the obligation to post the employment activities of high-ranking officials, to minimise conflicts of interest. In particular, companies that have hired anyone who is under the two-year cooling-off period and violates the prohibition on providing services in private companies directly related to the competencies of the position formerly held are prohibited from contracting with any public administration, if the violation has been published in the Official State Gazette. The prohibition on contracting will remain for as long as the person is hired, with the maximum limit of two years from their termination as a high-ranking official.

**USA**

In the United States, senior executive branch officials are prohibited from communicating or appearing before their former agency on behalf of any other person except the United States for one year from the date they leave their senior position. For certain very senior employees, such as the Vice President and heads of major departments, this cooling-off period applies for two years from the date of termination and also extends to certain other high-level positions elsewhere in the government. In addition, public procurement officials are prohibited from accepting compensation from a contractor for one year following their government employment if they served in certain decision-making roles with respect to a contract awarded to that contractor. They are also required to disclose any contacts regarding non-federal employment by a vendor on an active procurement, and either reject such offers of employment or disqualify themselves from further participation in the procurement.

Source: (OECD, 2021[39]); (UNODC, OECD and World Bank, 2020[33]).

## 2.4. Enhancing the asset declarations system

### *2.4.1. Scope of asset declarations*

*Greece could consider reviewing the methodology for the verification of asset declarations to enhance its risk-based approach*

While the management and prevention of conflict-of-interest situations should cover the broadest possible scope, the in depth verification of asset declarations could be limited to those that face a higher risk of corruption due to their position (Box 2.9).

### Box 2.9. Risk-based approach to the verification of assets declarations

According to best practice identified by a UNODC, World Bank and OECD study, a risk-based approach to the verification of assets declarations could be based on:

- The level or function of the filer—a high-level official or Politically Exposed Person, having decision-making or supervisory powers, a position in high-risk sectors like tax inspection and customs, or in a regulatory body, etc.
- Based on an assessment of risk for typologies of conflict of interest in the country context, criteria for red flags that can be digitally detected in the disclosure can be developed (e.g., major outside corporate and financial interests in government contractors, actual contracts with the government, significant interests in extractive industries, significant changes in assets and interests compared with the previous financial disclosure, etc.).
- Previous COI situations (e.g., if the filer has violated COI regulations in the preceding year, or the filer reported potential or actual COI, which were resolved).

Source: (UNODC, OECD and World Bank, 2020[33]).

As recommended above Greece could consider streamlining its declarations regime by untangling the correlation between financial disclosures and the conflict-of-interest policy and distinguishing the objectives of each declaration. As a next step, with relation to asset declarations, Greece could consider reviewing its risk-based methodology for the verification of asset declarations. The review and update of the methodology should aim to enhance the risk-based approach focusing on the verification processes of positions most at risk of corruption and conflict of interest to prioritise the in-depth verification of declarations with possible inconsistencies, unjustified changes in wealth and external risk factors. This may be advisable and in line with a risk-based approach to enforcement. In addition, it would enable a better use of available resources.

The prioritisation of at-risk categories of declarants could be based on a review of at-risk positions, as well as their functions and decision-making powers. For example, in France, the HATVP establishes a control plan according to the type of declaration (initial or amending declarations) and the category of public officials concerned focusing, for example, on reinforced control for new declarants and other categories of high risk. The control plan is adopted on an annual basis and can be adjusted to target various areas of interest. For example, the forthcoming organisation of the Olympic Games in Paris offers the opportunity to assess sport authorities. Other OECD countries have developed a similar risk-based approach to the one proposed (Box 2.10).

### Box 2.10. Risk-based approach to conflict of interest in Australia

Australia's Public Service Code of Conduct lists the following Agency activities with heightened risk of conflict of interest:

Procurement and recruitment:

- Procuring goods or services
- Tendering for and managing contracts
- Engaging and promoting employees
- Making appointments to statutory positions

Regulating individual or business activities:

- Inspecting, regulating or monitoring standards, businesses, equipment or premises
- Issuing qualifications or licences
- Issuing or reviewing fines or penalties

Distributing goods, services or funds:

- Providing a service
- Allocating grants of public funds
- Allocating subsidies, financial assistance, concessions or other relief

Making binding decisions:

- Issuing determinations on matters
- Passing binding judgements
- Exercising statutory powers
- Voting as a member of a board or committee

Source: (Australian Public Service Commission[44])

Furthermore, Greece could also consider a risk-based methodology that considers reviewing declarations that contain inherent risks such as inconsistencies in the disclosure form, unjustified changes in wealth and external risk factors. A similar approach is followed in Argentina (Box 2.11).

### Box 2.11. Verification process of asset declarations in Argentina

The verification process of the Argentinian disclosure system is characterised by a high level of maturity in comparison to systems in other countries. This is in particular because of the systematic and standardised steps taken to verify the asset declarations. The number of public officials required to file a declaration (currently around 50 000) is too great to permit the verification of every single one. However, the system is designed to enable the systematic verification of all of the declarations submitted by the most senior 5 percent of public officials.

This includes the highest members of the central administration, armed forces, security forces, federal penitentiary system, decentralised bodies depending on the National Executive Branch, ambassadors, national universities and learning institutes, and foundations depending on the National Public Administration. Most notably, it also includes advisors to the President, Vice-president, Head of the Ministerial Cabinet, Ministers, Secretaries and Deputy Secretaries of the National Executive Branch.

Source: (OECD, 2019[45])

## 2.5. Mainstreaming Conflict of Interest regulations through the entire Greek public administration

*Greece could consider developing a manual with concrete guidance regarding conflicts of interest to mainstream the implementation of conflict-of-interest regulations*

While the NTA undertakes significant efforts to provide standardised guidance on conflicts of interest and public ethics more, these could be complemented by developing a manual that provides a comprehensive overview of the applicable legislation in the various categories of public officials including examples of real, apparent and potential conflict-of-interest situations and how to resolve them. Annex A provides indicative tools that could be used in this manual.

To support the development of this manual, the NTA together with the Ministry of Interior could conduct a study to identify commonly occurring risks of conflicts of interest in high-risk sectors and in local government. The findings of the study could be used to adapt the manual to the needs of individual entities from high-risk sectors and local government. Indeed, interviews with local government officials indicated that the Codes of Ethics created by the NTA have proven helpful in supporting their work, but these could be further elaborated depending on the needs of each municipality. Finally, the NTA could leverage the Coordination Network of Integrity Advisors (Article 30 of Law 4795/2021) to diffuse and mainstream conflict of interest regulations, as well as adapt them at sector and institutional level. A similar approach is followed in Canada through the Conflict-of Interest Network (Box 2.12).

### Box 2.12. The Canadian Conflict-of-Interest Network

The Canadian Conflict of Interest Network (CCOIN) was established in 1992 to formalise and strengthen the contact across the different Canadian Conflict of Interest. The Commissioners from each of the ten provinces, the three territories and two from the federal government representing the members of the Parliament and the Senate meet annually to disseminate policies and related materials, exchange best practices, discuss the viability of policies and ideas on ethics issues.

Source: (New Brunswick Conflict of Interest Commissioner, 2014[46])

## 2.6. Proposals for action

The recommendations provided in this chapter aim to enhance Greece's conflict-of-interest mechanisms and strengthening management procedures.

First, Greece could consider distinguishing between conflict of interest prevention policy and financial disclosures, in particular through:

- Clearly defining the objectives and verification process of financial interest declarations in Law 5026/2023.

Second, Greece could take actions to strengthen procedures and mechanisms for the prevention and management of conflicts of interest by:

- Abolishing the asset declarations of Article 28 of the Code on the Status of Civil Servants (Law 3528/2007) and replacing them with an internal system for the management of conflicts of interest focused on prevention.
- Strengthening the advisory functions of Integrity Advisors and adopting a more streamlined organisational process for managing conflicts of interest in line with a proactive approach.
- Strengthening the role of the General Secretariat for Legal and Parliamentary Affairs of the Presidency of Government to increase transparency of their decisions.
- Further streamlining the conflict-of-interest regime for political appointees and special advisors with a view to provide more clarity regarding applicable obligations, in particular by fully shifting the conflict-of-interest management process to the mandate of the individual public agencies, as is the case for initial declarations.
- Codifying the provisions regarding the conflict-of-interest restrictions applying in the various categories of elected officials of local government and including also pre-and post-employment restrictions.
- Providing further guidance to clarify the conflict of interest and management processes for elected officials of local government and providing more guidance on their implementation.

Third, Greece could improve pre-and post-employment regulations by:

- Establishing regulations on pre-employment and developing measures for possible conflicts of interest in these situations including through strengthened partnerships with the private sector to better monitor revolving door cases.
- Balancing post-employment regulations by aligning the duration of cooling-off periods with the duration of lobbying restrictions and across the various categories of public officials, as well as establishing a full prohibition of private sector activities relating to the duties of the former public official.

Fourth, Greece could consider taking steps to enhance the asset declarations system by:

- Reviewing the methodology for the verification of asset declarations to enhance its risk-based approach, in particular through prioritising the in-depth verification of declarations that contain inherent risks such as inconsistencies in the disclosure form, unjustified changes in wealth and external risk factors.

Fifth, Greece could focus future policy initiatives on mainstreaming conflict of interest regulations through the entire Greek public administration by:

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

# Annex A. Selected tools from the OECD Toolkit on Managing Conflict of Interest in the Public Sector

This Annex presents selected tools from the OECD Toolkit on Managing Conflict of Interest in the Public Sector (OECD, 2005[47]).

## 2.7. Tool 1: Objective Tests for Identifying a Conflict of Interest

### *2.7.1. TEST 1: Conflict of Interest*

Also referred to as an actual or real conflict of interest:

- **Question 1: What official functions or duties is Official X responsible for?**

  [Refer to functional duty statement, position description, law, or contract of employment, etc., or statement of the functions of the official's organisation, etc.]

- **Answer 1: Official X is responsible for functions 1, 2, 3 (etc.) in ministry B.**
- **Question 2: Does Official X have private interests of a relevant kind?** [See Comments on "relevant private interests", below.]
- **Answer 2: Yes, Official X has job-relevant private interests**. [The relevant facts are clear.]

**Conclusion: Official X has a conflict of interest.**

**Comments.** Relevant interest in this context refers to a private interest which could be affected by the performance of the official's duties or functional responsibilities, and is:

1. Qualitatively, of such a kind that it would be reasonable to believe that the private interest could improperly influence Official X's performance of their official duties (for example, family or parental responsibilities, religious belief, professional or political affiliation, personal assets or investments, debts, etc.); or
2. Quantitatively, of such value that it would be reasonable to believe that the private interest could improperly influence Official X's performance of their official duties (for example, a significant family business interest, or an opportunity to make a large financial profit or avoid a large loss, etc.)

### *2.7.2. TEST 2 Apparent Conflict of Interest*

- **Question 1: What official functions or duties is Official X responsible for?**

  [Refer to functional duty statement, position description, law, or contract of employment, etc., or statement of the functions of the official's organisation, etc.]

- **Answer 1: Official X has official responsibility for functions 1, 2, 3…, in ministry B.**
- **Question 2: Does Official X hold private interests of a relevant kind?** [See Comments below.]
- **Answer 2: It appears to be the case that Official X may have relevant private interests.** [The relevant facts are not certain.

**Conclusion: Official X has an apparent conflict of interest.**

**Comments.** Relevant interest here means the same as in Test 1 above.

An apparent conflict-of-interest situation can be as seriously damaging to the public's confidence in a public official, or the official's agency, as an actual conflict. An apparent conflict of interest should therefore be treated as though it were an actual conflict, until such time as the doubt is removed and the matter is determined, after investigation of all the relevant facts.

In summary, an apparent conflict of interest requires further investigation: the relevant facts about Official X's private interests, and their official position/ responsibilities, must be established accurately, so that a judgement can be made about whether Official X has a real conflict of interest, or not. This may in turn lead to a conclusion that Official X's actions also constituted actual corruption, for example, because the conduct of Official X satisfies a test of corruption provided by a relevant law, such as in relation to incompatible relationships or functions, or improper/dishonest conduct in an official capacity.

Until such time as the facts about Official X's relevant interests and official duties are made clear, Official X can be said to have a continuing apparent conflict of interest.

### *2.7.3. TEST 3 Potential Conflict of Interest*

- **Question 1: What official functions or duties is Official X responsible for?**
- **Answer 1: Official X is responsible for functions X,Y, in ministry B**
- **Question 2: Does Official X hold private interests of a relevant kind?**
- **Answer 2: No. at the present moment, Official X has interests which are not job-relevant, but it is reasonably foreseeable that in the future, X's personal interests could become relevant interests.**

**Conclusion: Official X has a potential conflict of interest.**

**Comments.** Relevant interest here means the same as in the above tests.

The significant factor in this test is that Official X has private interests which are currently not relevant interest, because Official X's current official duties are currently unrelated to his/her private interests.

However, if it is likely or possible that Official X's official duties could change in such a way that their private interests could affect their performance of official duties, then those interests would become relevant interests. For example, a close relative works in the same ministry as X, but has no contact with X in any official role: however it is reasonably foreseeable in the circumstances that because X is a senior auditor with wide responsibilities, X could be asked to audit the work of their close relative.

As a result Official X could currently be considered as having a potential conflict of interest. This situation could continue indefinitely: it must be distinguished carefully from an "apparent conflict of interest" (see Test 2 above).

## 2.8. Tool 2: Generic Checklist for Identifying "At-risk" Areas for Conflict of Interest

**Comments.** The following generic checklist is intended to be used by managers to identify those areas of their responsibility where the organisation is at risk if conflict-of-interest situations occur.

In each case a "yes" answer is desirable.

For most questions, an effective administrative procedure is necessary, to enable the risk of conflict-of-interest situations to be identified and reduced, or, at a minimum, managed effectively.

Therefore, in the case of a "yes" answer, the user should go on to ask themselves "What is the relevant administrative procedure, and is it effective?"

In the case of a "no" answer, the user should go on to ask themselves "Why is there no relevant administrative procedure, and what could be done to establish an effective process?"

### *2.8.1. Additional ancillary employment*

- Has the organisation defined a policy and related administrative procedure for approval of additional/ancillary employment?
- Is all the staff made aware of the existence of the policy and procedure?
- Does the policy identify potential conflict of interest arising from the proposed ancillary employment as an issue for managers to assess when considering applications for approval?
- Is there a formal authorisation procedure, under which staff may apply in advance for approval to engage in additional employment while retaining their official position?
- Is the policy applied consistently and responsibly, so as not to discourage staff from applying for approval?
- Are approvals reviewed from time to time to ensure that they are still appropriate?

### *2.8.2. Inside information*

- Has the organisation defined a policy and administrative procedure for ensuring that inside information, especially privileged information which is obtained in confidence from private citizens or other officials in the course of official duties, is kept secure and is not misused by staff of the organisation? In particular:
    - Commercially sensitive business information.
    - Taxation and regulatory information.
    - Personally sensitive information.
    - Law enforcement and prosecution information.
    - Government economic policy and financial management information.
- Is all staff made aware of the existence of the policy and procedure?
- Are all managers made aware of their various responsibilities to enforce the policy?

### *2.8.3. Contracts*

- Does the organisation ensure that any staff/employed official who is or may be involved in the preparation, negotiation, management, or enforcement of a contract involving the organisation has notified the organisation of any private interest relevant to the contract?
- Does the organisation prohibit staff, etc. from participating in the preparation, negotiation, management or enforcement of a contract if they have a relevant interest, or require that they dispose or otherwise manage the relevant interest before participating in such a function?
- Does the organisation have the power to cancel or modify a contract for its benefit if it is proved that the contracting process was significantly compromised by a conflict of interest or corrupt conduct on the part of either an official or a contractor?
- Where a contract has been identified as compromised by a conflict of interest involving an official or former official of the organisation, does the organisation retrospectively assess other significant decisions made by the official in his/her official capacity to ensure that they were not also similarly compromised?

### *2.8.4. Official decision making*

- Does the organisation ensure that any staff/employed official who makes official decisions of a significant kind involving the organisation, its resources, strategies, staff, functions, administrative or statutory responsibilities, (for example, a decision concerning a draft law, expenditure, purchase, budgetary allocation, implementation of a law or policy, granting or refusing a licence or permission to a citizen, appointment to a position, recruitment, promotion, discipline, performance assessment, etc.) has notified the organisation of any private interest relevant to a decision which could constitute a conflict of interest on the part of the person making the decision?
- Does the organisation prohibit staff, etc. from participating in the preparation, negotiation, management or enforcement of an official decision if they have a relevant interest, or require that they dispose or otherwise manage the relevant interest before participating in such a decision?
- Does the organisation have the power, either by law or by other means, to review and modify or cancel an official decision if it is proved that the decision-making process was significantly compromised by a conflict of interest or corrupt conduct on the part of a member of its staff/an official?

### *2.8.5. Policy advising*

- Does the organisation ensure that any staff/employed official who provides advice to the government or to other public officials on any official matter concerning any kind of policy measure, strategy, law, expenditure, purchase, the implementation of a policy or law, contract, privatisation, budget measure, appointment to a position, or administrative strategy, etc., has notified the organisation of any private interest relevant to that advice which could constitute a conflict of interest on the part of the person providing the advice?
- Does the organisation prohibit staff, etc. from participating in the preparation, negotiation, or advocacy of an official policy advice if they have a relevant interest, or require that they dispose or otherwise manage the relevant interest before participating in preparing or giving such policy advice?
- Does the organisation have the ability and processes to review and withdraw an official policy advice if it is proved that the advice-giving process was significantly compromised by a conflict of interest or corrupt conduct on the part of a member of its staff/an official?

### *2.8.6. Gifts and other forms of benefit*

- Does the organisation's current policy deal with conflicts of interest arising from both traditional and new forms of gifts or benefits?
- Does the organisation have an established administrative process for controlling gifts, for example by defining acceptable and unacceptable gifts, for accepting specified types of gifts on behalf of the organisation, for disposing or returning unacceptable gifts, for advising recipients on how to decline gifts, and for declaring significant gifts offered to or received by officials?

### *Personal, family and community expectations and opportunities*

- Does the organisation recognise the potential for conflict of interest to arise from expectations placed on individual public officials by their immediate family, or by their community, including religious or ethnic communities, especially in a multicultural context?
- Does the organisation recognise the potential for conflict of interest to arise from the employment or business activities of other members of an employed official's immediate family?

### *Outside concurrent appointments*

- Does the organisation define the circumstances under which a public official may undertake a concurrent appointment on the board or controlling body of an outside organisation or body, especially where the body is or may be involved in a contractual, regulatory, partnership or sponsorship arrangement with their employing organisation? For example:
    - A community group or an NGO.
    - A professional or political organisation.
    - Another government organisation or body.
    - A government-owned corporation or a commercial public organisation?
- Does the organisation, and/or a law, define specific conditions under which a public official may engage concurrently in the activities of, an outside organisation, including a privatised body, while still employed by the organisation?

### *2.8.7. Business or NGO activity after leaving public office*

- Does the organisation, and/or a law, define specific conditions under which a former public official may, and may not, become employed by, or engage in the activities of, an outside organisation?
- Does the organisation actively maintain procedures which identify potential conflicts of interest where a public official who is about to leave public employment is negotiating a future appointment or employment, or other relevant activity, with an outside body?
- Where an official has left the organisation for employment in a nongovernment body or activity, does the organisation retrospectively assess the decisions made by the official in his/her official capacity to ensure that those decisions were not compromised by undeclared conflicts of interest?

# Annex B. Selected examples of conflict of interest definitions, scope of application and duration of cooling-off periods from OECD countries

| Country | CoI Definition | Scope | Cooling-off period |
|---|---|---|---|
| Canada | A Public Office Holder is in a conflict of interest when he or she exercises an official power, duty or function that provides an opportunity to further his or her private interests or those of his or her relatives or friends or to improperly further another person's private interests. | Public office holders (ministers, ministers of state, parliamentary secretaries, the Chief Electoral Officer, the Parliamentary Budget Officer, ministerial staff, ministerial advisers and most Governor-in-Council appointees, some ministerial appointees and any persons designated to be subject to the Conflict of Interest Act by the Governor in Council) | 2 years for former ministers and ministers of state<br>1 year for all other former reporting public officers |
| Czechia | Every public official is obligated to abstain every conduct in which his/her personal interest can influence his/her practise in his/her office.<br>Personal Interest is defined as any interest securing any private benefit or preventing the possible reduction of any material or other benefit to the public official, a person close to a public official, a legal person controlled by a public official or by a person close to a public official. This does not apply to the cases, when it is generally obvious benefit or interest in relation to an unlimited number of addressees.<br>If any conflict between the interest of the public and his/her private interest occurs, no public official may prefer his/her own interest over the interests that he/she is obligated to enforce and defend as a public official. | Public officials (including members of government, members of municipal councils, staff of regulatory authorities, members of oversight and audit bodies, senior civil servants, judges, prosecutors) | 1 year |
| Estonia | Circumstances and relationships that can lead to conflict-of-interest situations for public officials are established as follows:<br>1) An official is prohibited from performing an act or making a decision, if:<br>• the decision is made or the act is performed with respect to the official or a person connected to him or her;<br>• the official is aware of an economic or other interest of that official or a person connected to him or her and which may have an impact on the act or decision;<br>• the official is aware of a risk of corruption.<br>(2) In the case specified in subsection (1) of this section, an official is prohibited from assigning the task of performing the act or making the decision instead of the official to his or her subordinates. An official shall immediately inform his or her immediate superior or the person or body who has the right to appoint the official of the circumstances specified in subsection (1) of this section and the latter shall perform the act or make the decision or assign this task to another official. | Civil servants | 1 year |
| France | A conflict of interest is defined as any situation that causes interference between a public interest and public or private interests, which could | • Members of boards of an independent administrative | 3 years |

| Country | CoI Definition | Scope | Cooling-off period |
|---|---|---|---|
| | influence or appear to influence the independent, impartial and objective performance of a duty.<br>When they consider that they find themselves in such a situation:<br>1) The members of the boards of an independent administrative authority or of an independent public authority shall abstain from sitting on said boards. Persons who exercise specific powers within these authorities shall be replaced in accordance with the operating rules that apply to said authorities.<br>2) Subject to the exceptions provided for in paragraph two of Article 432-12 of the Criminal Code, persons who hold local executive offices shall be replaced by their delegatee, to whom they shall refrain from issuing instructions<br>3) Persons who are entrusted with a public service assignment and who have been granted a signing authority shall refrain from using such authority<br>4) Persons who are entrusted with a public service assignment and who are placed under the authority of an immediate superior shall refer the matter to such superior, who, once the matter has been referred or at his/her own initiative, shall entrust, as applicable, the preparation or drafting of the decision to another person who is placed under his/her line management" | authority or of an independent public authority<br>• Persons who hold local executive offices<br>• Persons who are entrusted with a public service assignment and who have been granted a signing authority<br>• Persons who are entrusted with a public service assignment and who are placed under the authority of an immediate superior | |
| Lithuania | A “conflict of interest’ shall mean a situation where a person in the civil service, when discharging his duties or carrying out instructions, is obliged to make a decision or participate in decision-making or carry out instructions relating to his private interests”.<br>The law also contains among others definitions of ‘private interests’ – “private economic or non-economic interest of a person in the civil service (or a person close to him) which may affect his decision-making in the discharge of his official duties” – and ‘close persons’, namely “the spouse, cohabitee, partner, when the partnership is registered in accordance with the procedure laid down by law (hereinafter referred to as the “partner”), the parents (adoptive parents), children (adopted children), brothers (adopted brothers), sisters (adopted sisters), grandparents, grandchildren and their spouses, cohabitees or partners, of a person in the civil service”. | Persons working in the public sector | 1 year |
| Slovenia | Conflict of interest" means circumstances in which the private interest of an official person or a person appointed as an external member of a commission, council, working group or another similar body by a public sector entity, influences or appears to influence the impartial and objective performance of their public duties.<br>Private interest of the person" referred to in the previous point means a pecuniary or non-pecuniary benefit, which is either to their advantage or to the advantage of their family members or other natural or legal persons with whom they or their family member maintains or has maintained personal, business or political relations | Public office holders: holders of public office, officials in managerial positions and other public employees, employees of the Bank of Slovenia, managers, and members of the management and supervisory boards of public sector entities | 2 years |
| United States of America | The basic criminal conflict of interest statute, prohibits an executive branch employee from participating personally and substantially in a particular Government matter that will affect his own financial interests, as well as the financial interests of:<br>a. His/her spouse or minor child;<br>b. His/her general partner;<br>c. An organization in which he/she serves as an officer, director, trustee, general partner or employee; and<br>d. A person with whom he/she is negotiating for or has an arrangement concerning prospective employment.<br>Moreover, the Standards of Conduct state that an employee should not participate in a matter where the employee knows that the particular matter involving specific parties is likely to have a direct and predictable effect on the financial interest of a member of his household, or knows that a person with whom he has a covered relationship is or represents a party to such matter, and where the employee determines that the | Public officials of the executive branch | 1 to 2 years depending on seniority |

| Country | CoI Definition | Scope | Cooling-off period |
|---|---|---|---|
| | circumstances would cause a reasonable person with knowledge of the relevant facts to question his impartiality in the matter.<br>A "covered relationship" includes relationships with:<br>with:<br>• A person, other than a prospective employer, with whom the employee has or seeks a business, contractual or other financial relationship that involves other than a routine consumer transaction;<br>• A person who is a member of the employee's household, or who is a relative with whom the employee has a close personal relationship;<br>• A person for whom the employee's spouse, parent or dependent child is, to the employee's knowledge, serving or seeking to serve as an officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee;<br>• Any person for whom the employee has, within the last year, served as officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee; or<br>• An organization, other than a political party, in which the employee is an active participant. | | |

Source: Data collected from the OECD Public Integrity Indicators (OECD, 2023[48])

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