

Code of Conduct for Elected Bodies of local government



HELLENIC REPUBLIC
Ministry of Interior

NTA

NATIONAL TRANSPARENCY AUTHORITY



ΕΝΠΕ
ΕΝΩΣΗ ΠΕΡΙΦΕΡΕΙΩΝ
ΕΛΛΑΔΑΣ



Central Union of
Municipalities of
Greece

Thanks to

The present Code was prepared with the valuable guidance of the Minister of Interior mr. Mavroudis (Makis) Vouridis, the Deputy Minister of Interior mr. Stelios Petsas, as well as the Governor of the National Transparency Authority mr. Angelos Binis, in cooperation with the administration of Central Union of Municipalities of Greece (K.E.D.E.).

The drafting of the Code was carried out by the staff of the General Directorate of Integrity and Accountability of the National Transparency Authority, the Hellenic Ministry of Interior, the Central Union of Municipalities of Greece (K.E.D.E.) and the Association of Greek Regions (E.N.P.E.).



Makis Voridis

Minister for the Interior

The “Code of Conduct for Elected Bodies of local government” outlines in a clear and concise manner the basic components of fair and ethical governance in the increasingly strengthened local government. It answers questions and provides guidance on correct and lawful conduct in individual matters which may not be found in the regulatory framework. It provides useful guidance and supports efforts to strengthen the integrity mechanisms of the public administration. This Code, like other such 'soft law' texts, contributes first and foremost to establishing a sense of integrity by placing critical ethical and integrity issues at the heart of the practice of elected bodies.

The present Code resolves an outstanding legal obligation of the country, while also contributing to the consolidation of a culture of an administration that is committed to the development of integrity safeguards, which is positively assessed by international organisations, improving the position of our country in the relevant indicators.

The big issue is to further strengthen actions to upgrade governance in the country's regions and municipalities and to safeguard the integrity of the relationship between elected officials and citizens. We therefore welcome the cooperation of the executives of the N.T.A. the K.E.D.E. and the E.N.P.E. in the development of the Code, and I am sure that it will strengthen the relationship of trust between the institutions of local government and citizens.



Stelios Petsas

Deputy Minister for the Interior

The “Code of Conduct for Elected Bodies of local government” is an important contribution towards enhancing transparency and public accountability in Local Government Organisations.

By providing easy-to-use instructions and practical examples, this valuable handbook supports the important institution of the Integrity Advisor and, more generally, all the reform initiatives developed by the Ministry of Interior for the substantial upgrading of the operation of the Regions and Municipalities, which is inextricably linked to the prevention and the drastic treatment of the phenomena of opacity, corruption and maladministration.

The codification of the way in which modern local government institutions and their representatives should operate is one of the most suitable ways available to us to establish a solid relationship of trust between the Central State, Local Government and citizens, but also to achieve the efficient and effective management of financial resources, always focusing on the needs of society and citizens.

With the public interest as its constant compass, the Ministry of Interior, and the Government of Kyriakos Mitsotakis as a whole, has supported - and continues to support - all initiatives that aim to provide more and better quality services to the citizen, actively participating in the economic, social and cultural development of the country.



Apostolos Tzitzikostas

President of the Union of Greek Regions

The manual "Code of Conduct of the Elected Bodies of Local Government", created on the initiative of the National Transparency Authority (N.T.A.), is an important step in the codification of the way in which modern governing institutions and their representatives should operate. Reprinted in a careful and readable manner, the manual is another important link in the chain of upgrading the role of local government at all levels, which is a constant objective of the country's regional governors and the Union of Greek Regions. In all modern societies, under the weight of the multiple crises that have taken place in recent years, the role of local government is becoming increasingly decisive and crucial in improving the living standards of citizens, tackling climate change, digital transition, maintaining social cohesion, developing entrepreneurship and upgrading infrastructure. This is also the context in which the Hellenic Union of Regions is constantly striving to highlight the need for a transition from regional government to regional governance.

Regions and Municipalities are the most reliable and closest level of government to the citizens and we must exercise our administration according to specific rules, which further ensure transparency and effectiveness of our work. After all, in two successive crises, the ten-year financial crisis and the global health crisis, the thirteen Regions of the country have proved that we are agents of stability and efficiency. And now we can be the powerful engines of growth that will reach every citizen, in every corner of our country. In this direction, we continue with the same determination and with constructive partnerships such as with the National Transparency Authority, which is carrying out a multidimensional and truly great work for our country, businesses and all citizens, establishing a relationship of trust and credibility.



Dimitris Papastergiou

President of the Central Union of Municipalities of Greece

In the Central Union of Municipalities of Greece (C.U.M.G.E.) we have made it a priority to enhance transparency and efficiency at all stages of the operation of our Municipalities. A key factor in achieving the above objective is, first of all, the compliance of the elected representatives of the first degree of government in the observance and implementation of legality in the performance of their duties and statutory responsibilities, as well as the upgrading of their statutory position, in order to be able to respond adequately to their increased responsibilities.

Drawing power and authority from their direct democratic election by the people, they are now called upon to respond to the challenges of local governance and the new environment that has been shaped, which concerns, among other things, the new responsibilities of the municipalities, the digitalisation of their functions, the framework of cooperation with private sector entities for the execution of projects and the commissioning of services, but also the increased demands of citizens.

The "Code of Conduct of the Elected Bodies of Local Government" is an important step in our effort to strengthen the work of our elected representatives. It is another successful cooperation between the K.E.D.E. and the N.T.A., which will contribute decisively to enhancing transparency and efficiency in the operation of our municipalities, but also to improving the quality of local governance by setting clear rules and principles that serve the public interest.

Foreword by the Governor

The increasing demands and expectations of citizens, new information and communication technologies and the ever-increasing role of local authorities in the everyday life of citizens broaden and make the work of elected local government bodies more demanding.

The idea of drawing up a code of ethics and conduct in order to encourage certain standards of behaviour by local government officials has been around for years in our country. As early as 2008, Article 21 par. 3 of Law 3731/2008 (A' 263) stipulated that "by decision of the Minister of Interior, after an opinion of the K.E.D.K.E. and the ENAE, a Code of Conduct for elected bodies of local government may be issued".

The main added value of this Code is to strengthen citizens' trust in local government institutions on the basis of public accountability and transparency. Respecting the status and office of elected officials, as they derive directly from their popular mandate, the Code has been drafted on the basis of good international practices and standards.

The purpose of the Code is to provide a compass for elected officials of local government that will steadily chart a course towards the public interest and the principles of honesty, integrity and good administration, while at the same time providing a clear indication of a professional ethics that will not tolerate instances of maladministration, corruption and opacity. The success of this project would not have been possible without the support of the leadership and executives of the Ministry of Interior, the active involvement of the specialised staff of the N.T.A. and, of course, the cooperation and contribution of the two important pillars of local government, the K.E.D.E. and E.N.P.E.

Angelos Binis
Governor of the National Transparency Authority

Introduction

This Code of Conduct meets the need for a model Code of Conduct for local government elected officials. With respect to the status and office of elected officials, as they derive directly from their popular mandate, the Code has been prepared on the basis of best international practices and standards, in an effort to ensure that local government elected officials respect the principle of legality and protect the public interest through their actions, performing their duties with honesty, integrity and good faith.

The drafting of a Code of Conduct to encourage ethics and conduct among local government officials is not the first time this has come to the fore. As early as 2008, Article 21 § 3 of Act No. 3731/2008 (A' 263) provided that "by decision of the Minister of Interior, following the opinion of the KEDKE (KEDE) and the ENAE (ENPE), a Code of Conduct for elected bodies of local government may be issued". According to its explanatory memorandum, this regulation was intended to adopt the recommendations of the Council of Europe on the establishment of codes of public ethics for elected representatives of citizens in local authorities.

The purpose of the codes, according to the Council of Europe, was to set out clearly the principles and rules governing the exercise of public authority, particularly in the administration of local affairs.

The Council of Europe has highlighted the codes of ethics, conduct and behaviour as tools that have enabled elected officials to respond to modern developments in the field of local and regional governance. In particular, the increasing delegation of public functions to private sector bodies, the growing demands and expectations of citizens, the need to demonstrate professional standards of behaviour and new information and communication technologies are broadening and making the work of elected local and regional authorities more demanding.

Related to the above is also article 61 § 2 of Law No. 3852/2010 (A' 87), according to which each first-tier local authority, by decision of its municipal council, may partially adapt the model code of Article 21 § 3 of Law 3852/2010 (A' 87). 3731/2008, so that its content can be adapted to its own needs or particularities.

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1. [Council of Europe, Congress of Local and Regional Authorities, European Code of Conduct for all Persons Involved in Local and Regional Governance, 2018.](#)
 2. This possibility concerns exclusively the First Level Local Authorities, since for the Second Level Local Authorities there is no provision in Law No. 3852/2010 in force. Therefore, the adoption of a code of conduct by regional councils requires a specific legislative regulation, analogous to the current provision for municipalities (Article 61 § 2).

Purpose and scope

The Code of Conduct encourages specific standards of ethics and conduct among all local government officials, aiming to enhance transparency, credibility and accountability in the exercise of public power and thereby to consolidate the trust of civil society in local government officials and local government in general.

In particular, this Code is addressed to mayors, governors, vice governors, members of the presidencies of municipal and regional councils, members of municipal and regional committees, as well as to municipal and regional councillors who have not assumed any other office. In addition to the above, the Code is addressed to the elected members of the municipalities referred to in Article 8 of Law 3852/2010.



3. In particular, the provisions of the Code are addressed to the presidents of community councils of more than three hundred (300) permanent residents, to the members of community councils of more than three hundred (300) permanent residents and to the presidents of communities with a permanent population of up to three hundred (300) residents, according to their particular characteristics and their responsibilities (articles 79 et seq. of Law 3852/2010).

Part A

Fundamental values and principles

The elected officials of local government must:

1. Strictly comply with the provisions of the applicable national, European and international legislation.
2. To serve the public interest to the exclusion of any financial or other personal interest, for their own benefit or for the benefit of third parties.
3. Develop their action in conditions of complete independence and objectivity, avoiding any form of bias and favouritism that may undermine the impartial nature of their judgement.
4. Exercise their duties in a manner that promotes the transparency of the decisions of collective and individual bodies, facilitating the information of public opinion, with respect to the personal data of citizens, as specifically protected in General Regulation (EU) 2016/679, Directive (EU) 2016/680 and Law No. 4624/2019.
5. To ensure the protection and preservation of the assets of the municipality or their region, making prudent use and management of the means and facilities made available to them, in order to ensure the smooth performance of their work.
6. To uphold the authority of their office, both in the performance of their duties and in their general presence in society.

Part B

Rules of Conduct

1. Avoidance of conflict of interest

A conflict of interest exists when an elected official of local government knowingly serves financial or other private interests, either his own or another natural or legal person, in the exercise of his duties, to the detriment of the public interest. The appearance of a conflict of interests undermines the confidence of citizens and, for that reason, local government officials must:

1. Provide guarantees of impartial judgment in the exercise of their popular mandate.
2. Not be influenced by personal interests or the interests of their family members or third parties in the performance of their duties.
3. Requesting to be excluded from discussions and decisions affecting their personal interests or the interests of their family members.
4. Not to use information obtained by virtue of their office for personal or other private gain.
5. Not to use for their own financial benefit or for the financial benefit of a third-party confidential information and documents obtained by them for their own financial benefit or for the financial benefit of a third party.

their knowledge resulting from the performance of their duties.

6. Avoid actions and behaviours that are designed to gain personal or professional advantage during and after their term of office.

2. Denial, listing and disclosure of gifts and benefits

Local elected officials shall not accept gifts, benefits or other advantages offered to them in the performance of their duties or which may be considered in any way connected with the performance of their duties.

However, the above persons may accept gifts offered to them in their official capacity in accordance with the rules of custom or courtesy or diplomatic practice, and may be invited to attend events to which they are invited in their official capacity.

In the context of the implementation of the above by the elected officials of local government:

- items offered to them as gifts and of whose estimated value exceeds two hundred (200) euros, shall become the property of and be administered by the municipality or region concerned, as appropriate.
- objects offered to them as gifts, the estimated value of which does not exceed two hundred (200) euros, shall become the property of the elected official to whom they are donated, unless the latter declares that he wishes them to become the property of the municipality or region concerned, as appropriate.
- objects of particular national, historical, cultural or artistic value offered as gifts are the property of the municipality or region concerned, irrespective of their value.

The body responsible for assessing the value of gifts and for designating gifts as objects of particular national, historical, cultural or artistic value is the presidency of the municipal or regional council concerned, as a body.

For reasons of transparency and publicity, each municipality and region shall keep, under the responsibility of the relevant chairman of the municipal or regional council, a special electronic book in which the objects offered as gifts are recorded in chronological order, provided they have come into the ownership of the municipality or region. Article 17 of Law No. 17 shall apply mutatis mutandis to the maintenance of the electronic register and the annual publication of its data. 4829/2021 (A' 166).

4. There is no conflict of interest where the activity or status of the person concerned is that of a member of society as a whole or of a large social group of persons, or where the activity is carried out in a professional capacity.

5. In particular, loans, discounts, facilities, invitations to entertainment or hospitality, travel, accommodation, food or education.

3. Safeguarding the integrity of procurement and recruitment procedures

The elected officials of local government shall ensure that at all stages of the procurement and recruitment procedures carried out by the local government organisation, the relevant decisions and actions are subject to fair, merit-based and transparent procedures, with particular emphasis on compliance with the principle of sound financial management.

4. Avoiding discrimination

Local elected officials ensure that the principle of equal treatment of citizens and businesses is respected. In this context, they shall help to prevent manifestations of hatred and shall avoid any unjustified discrimination or unfavourable treatment of citizens or employees on the grounds of nationality, sex, age, race, colour of skin, ethnic or social origin, sexual orientation, language, religion, political opinion and disability.

5. Ensuring labor peace

Local elected officials shall ensure the development of labor peace within their organisation. In this context, they shall respect the personal and official opinions of their employees and shall seek to develop relations of good faith and sincere cooperation.



Part C

Monitoring mechanism

Compliance with the provisions of the Code of Conduct requires the cooperation of all elected officials of the municipality or the region. Supervision of compliance with the provisions of this Code shall be exercised by the Bureau of the municipal or regional council concerned, as a body.

The present Code shall apply in addition to the existing obligations or duties of local government elected officials, as specifically specified in the legislation and may entail the imposition of disciplinary sanctions, in accordance with the conditions and procedure of articles 233 et seq. of Law 3852/2010. General or specific legislative provisions that automatically characterise violations of the Code as criminal offences or disciplinary offences shall prevail over the present law.

Part D

Dissemination, information and awareness-raising

The Code of Conduct is distributed electronically to all elected officials of the municipality or region, with the care of the chairman of the municipal or regional council concerned. In addition, in order to meet the requirement of modern societies for transparency and credibility in the exercise of public authority and accountability of its institutions, it is posted on the website maintained by the municipality or region on the Internet.

The Bureau of the municipal or regional council concerned, as a body, may organise workshops or seminars to inform and raise awareness among elected officials and civil society on the subjects covered by the Code.

Part E

Final provisions

This Code shall apply to each municipality and region. According to the Article 61 § 2 of the Act. 3852/2010, each municipality, by decision of its municipal council, has the possibility to customise this Code in order to respond to a greater extent to its own needs or particularities.

In cases where the need to fill gaps in the interpretation of this Code is identified, the elected members of local government may address the Ministry of Interior through the presidency of the municipal or regional council concerned.



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