

Prime Minister of the Hellenic Republic
General Secretariat of the Prime Minister
Maximos Mansion
Herod Atticus 19
10674 Athens, Greece

Ministry of Justice
96 Mesogeion Avenue
P.O. 11527, Athens, Greece

5th May 2022

Dear Prime Minister,
Dear Minister of Justice,

As you are aware, it has been more than four months since the country had to transpose into its legal system the EU Directive 2019/1937 of 23 October 2019 on the protection whistleblowers, and the European Commission has formally started an infringement procedure against Greece by issuing a letter of formal notice for lack of transposition of the Directive on 27 January 2022.¹

Improving whistleblower protection in Greece is also warranted to comply with our other international commitments, as stressed by two recent international evaluations of Greece's anti-corruption framework. Last December, the Council of Europe Group of Countries against Corruption (GRECO) pointed a need to develop and increase the whistleblowers' protection framework "as a matter of priority", as it "fall short of the required standards".² And in March 2022, the OECD Working Group on Bribery stated that it was "gravely concerned about Greece's detection and enforcement of the foreign bribery offence" and recommended the implementation of new legislation that provides strong and effective protection against retaliation against persons who provide information, especially on bribery offenses, regardless of whether these persons belong to the private or public sector.³

Whistleblowing is one of the most effective ways of uncovering corruption and other wrongdoing. Robust legislation is vital to protect whistleblowers against retaliation and other injustices, and to ensure their reports are addressed.

The EU Directive 2019/1937 contains many ground-breaking provisions. It prohibits retaliation against whistleblowers, safeguards their identities in most circumstances and offers them several reporting avenues.

¹ Answer given by Vice-President Jourová on behalf of the European Commission to a parliamentary question, 11 April 2022, https://www.europarl.europa.eu/doceo/document/E-9-2022-000182-ASW_EN.html#def2.

² GRECO, Fifth evaluation round - Preventing corruption and promoting integrity in central governments (top executive functions) and law enforcement agencies, Evaluation report – Greece, March 2022, p 52-53, <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680a5a148>

³ OECD, Implementing the OECD Anti-Bribery Convention in Greece: Phase 4 Report, 2022, <https://www.oecd.org/newsroom/the-oecd-is-gravely-concerned-about-greece-s-detection-and-enforcement-of-the-foreign-bribery-offence.htm>

Transparency International Greece (TI-GR) has taken numerous actions in the past two and a half years to ensure the effective transposition of the Directive, making policy recommendations⁴ and calling on the Government to open the legislative process⁵. TI-GR's call for transparency and stakeholder participation was supported by 18 civil society organisations in Greece, but to no avail.⁶

As other EU member states continue to transpose the Directive, your government's process is seriously lagging behind and is not meeting standards in transparency and inclusivity by sharing information with civil society. We are alarmed due to the fact that, according to credible press reports, even though a draft law for the transposition of the Directive had been introduced by the Minister of Justice in the Ministerial Board two months ago⁷, the legislative process has remained stagnant ever since.

We urgently call on you to intensify your efforts to transpose the whistleblowing directive and seize on the opportunity to go further than the minimum standards in the Directive and adopt comprehensive national legislation that meets best practice and international standards. Greece deserves a whistleblowing framework that protects all whistleblowers speaking up in the public – not only those reporting breaches of EU law, are provided with confidentiality and safety against retaliation and ensures that whistleblower reports are diligently reviewed and acted upon.

Transparency International and Transparency International Greece urges you to protect whistleblowers by adopting robust and comprehensive whistleblower protection. We remain available and committed to contribute any support you may need during this process.

Yours sincerely,


Delia Ferreira Rubio
Chair
Transparency International


Mantalozis Panagiotis Mantalozis
Chair
Transparency International Greece

⁴ TI-GR position on the effective transposition of the Whistleblowers Protection Directive, https://www.transparency.gr/wp-content/uploads/2020/09/%CE%9A%CE%B5%CE%AF%CE%BC%CE%B5%CE%BD%CE%BF-%CE%98%CE%AD%CF%83%CE%B5%CF%89%CE%BD-%CE%94%CE%94-%CE%95_WHISTLEBLOWING_7_9_20.pdf (sent with other relevant material to the Law-Drafting Committee tasked with the transposition of the Directive).

⁵ All relevant work of Transparency International Greece may be found here: <https://transparency.gr/ti-kanoume/whistleblowing/>,

⁶ Open letter of the Alliance of Civil Society and Workers' Organizations for the effective protection of whistleblowers, 11 November 2020, https://transparency.gr/wp-content/uploads/2022/04/%CE%95%CF%80%CE%B9%CF%83%CF%84%CE%BF%CE%BB%CE%B7%CC%81-%CE%94%CE%94-%CE%95-VW-RU-%CF%80%CF%81%CE%BF%CF%82-%CE%A0%CE%98_%CE%A5%CF%80%CE%95%CF%80%CE%B9%CE%BA_%CE%A5%CF%80%CE%94%CE%B9%CE%BA.pdf.

⁷ See, the Press Briefing by the Government Representative I. Oikonomou on 10/3/2022 (in Greek) <https://government.gov.gr/enimerosi-ton-politikon-sintakton-ke-ton-antapokriton-xenou-tipou-apo-ton-ifipourgo-para-to-prothipourgo-ke-kivernitiko-ekprosopo-gianni-ikonou-50/>.