



# Corruption and Anti-Corruption in Today's Greece

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### Summary

- In Greece, owing to external pressures from the European Union, but also pressures from the public opinion, there has been progress over time in fighting corruption in 2010-2019.
- Still, compared to other countries which have undergone an economic crisis in the periphery of Europe, Greece is comparatively unable to control corruption.
- While international organizations justifiably require further control of corruption in the public administration and better management of the justice system, the issue of political corruption remains topical.
- Past reforms in anti-corruption have created a sound regulatory framework, but it still remains incomplete.
- Too many organizational changes in the field of anti-corruption as well as political interference have led to a deep implementation gap in anti-corruption policy.
- Targeted reforms in anti-corruption can improve Greece's record in fighting corruption, particularly with regard to political corruption.

*“If anything, Greece has overtime made progress in fighting corruption, but it still has many hurdles to overcome.”*

## Introduction

This year's “international anti-corruption day” (9 December 2020), provides an opportunity to discuss the paradox of repeated anti-corruption efforts in Greece which have not been able to curb extensive corruption. Moreover, by coincidence, that day in December comes just after the Council of Europe (CoE) published in November 2020 two successive reports on anti-corruption in Greece, both appearing in the span of a few weeks (two reports of the Group of States against Corruption – GRECO, i.e., Council of Europe 2020a and Council of Europe 2020b).

Has Greece become so much more corrupt than before to warrant such attention? Not really. If anything, Greece has overtime made progress in fighting corruption, but it still has many hurdles to overcome, before it converges with other Member-States of the European Union (EU) with regard to its anti-corruption regulatory framework and above all its record of implementing anti-corruption policies.

In what follows, a brief conceptual framework is presented. It is followed by data on corruption and a discussion of types and the extent of corruption in Greece with an emphasis on political corruption. Two themes, i.e., the frequent shifts in anti-corruption policies and the effects of political party competition and policy capture on democracy, are briefly analyzed. And a summary accompanied by policy recommendations concludes this Policy Paper.

## Basic concepts and the context of anti-corruption

It has become commonplace to doubt whether it is possible to define corruption, as it is a multi-faceted phenomenon. Yet, the definition of the World Bank, according to which “corruption is the abuse of public office for private gain” (Bhargava 2006: 341), is now widely accepted. Political corruption, on which this Policy Paper focuses, concerns more specifically the abuse of public office by politicians. If left unchecked, political corruption can undermine the moral bases of democracy, i.e., democracy's political values and institutions, as explained below.

Indeed, political corruption erodes popular sovereignty, since decision-makers do not serve the public interest but powerful interests with whom they make backroom deals. Moreover, corruption undermines equality before the law and non-discrimination of citizens by state authorities, because citizens involved in unlawful exchanges with public officials benefit (e.g., win a tender for a public project) in ways in which the rest cannot. Further on, corruption negatively affects trust towards the government, the parliament and the justice system, contributing thus to the de-legitimation of democratic politics as a whole.

In November 2020, five years after the Council of Europe (CoE) had published GRECO's evaluation of policies to prevent corruption in Greece (Council of Europe 2015), it turned out the country's authorities had implemented only 11 out of the Council's 19 policy recommendations to fight corruption (Council of Europe 2020a). In another report, the CoE focused on amendments to the Criminal Code in June 2019, just prior to the parliamentary elections of July of that year. At that time, Greek authorities had downgraded “the offence of active bribery of public officials from a felony to a misdemeanor” (article 236 of the Criminal Code) and, at the same time, had “lowered

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*“...plethora of new regulations and new anti-corruption authorities were not followed by persistent action to narrow the expected, if not usual, policy implementation gap.”*

the sanctions for this offence” (Council of Europe 2020b: 2). This second CoE report stated that, even though after the elections there were improvements on the Criminal Code, passed in November 2019, none of the four recommendations made by the same Council were implemented to the extent it had specified. In both reports, the CoE continued to express its reservations on anti-corruption legislation.

It seems that in 2019-2020, despite overcoming a grave economic crisis, Greece is again in the spotlight regarding its will and ability to fight corruption, an issue which had been heavily debated in the country and abroad throughout the economic crisis of the decade of the 2010s. Moreover, over the period 2010-2018, compared with other countries of the European periphery which had also undergone an economic crisis, Greece remained stagnant in its efforts to control corruption (Table 1, below).

However, the partial recalcitrance of Greece in implementing CoE's policy recommendations and its relative stagnation in fighting corruption, were not mirrored in the will of successive Greek governments to pass many new anti-corruption laws and establish many new agencies throughout the decade of the 2010s. By contrast, there was over-regulation. A plethora of laws were passed and numerous new anti-corruption agencies and ministerial and prosecutorial posts were established, some of them lasting for a relatively brief period of time. The problem is that the plethora of new regulations and new anti-corruption authorities were not followed by persistent action to narrow the expected, if not usual, policy implementation gap.

## Measuring corruption

Corruption is notoriously difficult to measure and for that reason international actors, such as the European Commission, Transparency International and the World Bank, resort to public opinion surveys which register perceptions of the extent of corruption. According to the “Corruption Perceptions Index” (CPI) of Transparency International, Greece has become more transparent over time. In the scale 0-100, it has moved from 36/100 in 2012 to 48/100 in 2019 (Transparency International 2019). The CPI indicator is to an extent useful to check progress over time in a given country. However, it is less useful for cross-national comparisons.

The World Bank uses a combination of opinion surveys to rank over 200 countries and territories of the world with regard to how successfully they control corruption. Table 1 (below) presents comparative rankings of countries with regard to capacity to control corruption. For many years Greece fared better than only 55 per cent of countries which the World Bank ranked. All other countries shown in the Table performed better. In other words, in Greece corruption is regularly perceived to be much less controllable than in other countries which underwent an economic crisis in the decade of the 2010s. Italy and Spain showed similar problems but were able in 2018 to control corruption more than 72 percent of all ranked countries (in the case of Spain) and 62 percent of all ranked countries (in the case of Italy). In brief, Greece corruption is perceived to have been quite extensive (or less controllable).

**Table 1. Control of Corruption in Greece in Comparative Perspective (percentile rank, 2010-2018)**

Year	Greece	Spain	Italy	Ireland	Portugal
2010	56.7	82.4	61.9	92.9	82.9
2011	55.5	82.5	63.5	91.5	83.9
2012	52.6	83.4	60.2	90.5	80.6
2013	57.8	78.2	59.7	90.0	80.6
2014	53.4	72.1	56.3	91.8	79.8
2015	55.3	69.7	57.7	92.3	80.3
2016	55.3	68.3	59.6	92.3	80.3
2017	52.9	68.3	61.5	91.3	80.8
2018	55.6	72.6	62.2	90.9	80.3

Source: World Bank, World Governance Index, <https://info.worldbank.org/governance/wgi/Home/Reports>; The lower the figure in each cell of the above Table, the smaller the number of countries compared to which the indicated country (e.g., Greece) performs better in controlling corruption.

### The extent and varieties of corruption in Greece

To rely on perceptions, of course, may be misleading, as respondents to relevant surveys are influenced by the general economic situation and news about investigations on acts of corruption committed many years ago. For example, the international press has reported that in Greece corruption was the cause of the derailment of Greece economy (*The Telegraph*, 10 July 2015; *New York Post*, 6 July 2015). Such an argument usually relies on a very loose definition of “corruption”, in which this term is equated with clientelism, pre-electoral waste of public funds and mismanagement of the state’s property and revenue. Research has shown that this was not the case with the Greek crisis of the 2010 (Giannitsis and Zografakis 2016). To account for Greece’s derailment, instead of underlining the impact of corruption, one would stress the large size and tremendous burden of pension expenditures on the Greek public finances, coupled with structural problems of the private sector causing very low levels of economic competitiveness and deficiencies in the set-up of the Eurozone (Pagoulatos 2020).

*“...respondents were asked whether it is acceptable to a) to give a gift and b) to give money, if they wanted to obtain something from a civil servant.”*

Moreover, if a prosecutor starts a criminal investigation for corruption against former government minister(s) who had served many years ago, then the relevant publicity about the investigation helps spread the image of extensive corruption at the time of the start of the investigation, rather than the time when the alleged corrupt acts were committed.

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*“In 2019 [...] 41 percent of Greek respondents said that it was acceptable to give a gift (EU-28 average: 23 percent) and 19 percent to give money (EU-28 average: 16 percent).”*

Perhaps a more useful indicator is the extent to which people perceive corruption as acceptable, e.g., whether they think it is normal for politicians or civil servants to receive bribes. In survey conducted in 2013 for the European Commission, respondents were asked whether it is acceptable to a) to give a gift and b) to give money, if they wanted to obtain something from a civil servant. Among Greek respondents, 42 per cent replied that it is acceptable to give a gift (EU-27 average: 23 percent) and 24 per cent replied that it is acceptable to give money (EU-27 average: 16 percent; see European Commission 2014). In 2019, in a repetition of the same survey, 41 percent of Greek respondents said that it was acceptable to give a gift (EU-28 average: 23 percent) and 19 percent to give money (EU-28 average: 16 percent; see European Commission 2019). In other words, in the eyes of Greeks the situation did not change very much between 2013 and 2019.

Not all Greek public services are perceived as corrupt. Respondents select out as most corrupt the following services: town planning authorities in municipalities, transport authorities issuing driver's licenses, tax authorities, public hospitals (Transparency International-Greece 2012: 28-29) and customs offices (World Economic Forum 2014: 143). In some of the above services, petty corruption may be small or large and involves paying bribes.

Grand or political corruption, on the other hand, may involve government ministers, mayors and politically appointed heads of state agencies. Since the onset of the economic crisis (2010), former ministers of various governments and mayors have been tried and condemned on acts of corruption. For example, Vassilis Papageorgopoulos, former mayor of Thessalonki and former MP of New Democracy, was imprisoned for embezzlement. Akis Tsochatzopoulos, former Minister of Defense and MP of Pasok, was imprisoned for money-laundering and accepting bribes. Tassos Mantelis, former Minister of Transport of Pasok, was condemned and fined for money-laundering and Yannis Papantoniou, former Minister of Defense and MP of Pasok was confined to prison on charges of money laundering. None of the above is in prison today, as prison sentences were later cut short for reasons of ill-health (Papageorgopoulos, Tsochatzopoulos) or confinement was discontinued due to inadequate evidence (Papantoniou).

### Political corruption and democracy

*“...in 2018 the total annual state subsidies made to political parties reached the amount of 13.5 million Euros.”*

The Council of Europe's (GRECO's) recommendations primarily concern the behavior of individual civil servants or government ministers. While it is justifiable to sanction their behavior, in Greece today, as in other democracies, corruption is above all associated with the patterns of political party competition to win elections. As it is well known, electoral campaigns have become extremely expensive, because of the spiraling costs of political advertisements placed in TV and radio channels, the rolling out of electoral campaigns across the country and the organization of political rallies. It is impossible for political parties to meet such costs, unless they accept official donations but also payments under the table, made by individuals and businesses.

The CoE has noted that in Greece there have been improvements in regulations of political party financing, but has underlined that unregistered donations are still allowed (Council of Europe 2018). Greek authorities are also reluctant to fully implement the relevant legislation. It is telling that in 2018 the total annual state subsidies made to political parties reached the amount of 13.5 million Euros. When, two years later, in 2020, an official report came out, political parties which had violated financing regulations in 2018 simply suffered a reduction of 1-5% of the size of their next annual

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*“...penalties imposed on political parties for violating laws on party financing were very small, ranging between 500 and 60,000 Euros.”*

state subsidy. Meanwhile, penalties imposed on political parties for violating laws on party financing were very small, ranging between 500 and 60,000 Euros (Committee of art. 3A of Law 3213/2013, 2020).

In other words, Greek parties benefit from an incomplete regulatory environment regarding party financing, while implementation of existing legislation leaves a lot to be desired. Meanwhile, there is near-complete lack of transparency in linkages between private mass media and political parties. TV and radio stations and the press belong to holding companies which are simultaneously active in various sectors of the market (construction, banking, etc.). Seeking to obtain public contracts, such companies selectively support one or more of the major contenders for political power, while they also heavily influence government policy in their preferred business sectors.

*“...there is near-complete lack of transparency in linkages between private mass media and political parties.”*

As in many other (but not all) democracies, also in Greece members of the governing elite or even the leadership of a governing party may provide domestic and foreign business entrepreneurs with state subsidies, tax breaks, new business opportunities and tailor-made regulations. In exchange, a government minister or his (or her) party receive financial support in electoral campaigns or simply enrich themselves.

In such a corrupt inter-organizational environment, government-business alliances are not stable. TV channels and newspapers, belonging to entrepreneurs who are also major share-holders in construction, shipping and other companies, support the governing party as long as it looks capable to win the following parliamentary elections. If that prospect becomes dim, then entrepreneurs change sides.

To sum up, in Greece, as in other democracies, a triangle of interacting interests has emerged: political parties – private businesses – mass media. How has Greek democracy responded to the challenge posed by the deleterious evolution of this triangle?

*“...in Greece, as in other democracies, a triangle of interacting interests has emerged: political parties - private businesses - mass media.”*

### Control of corruption in Greece under the economic crisis and beyond

In Greece there are mechanisms of anti-corruption, but cannot deliver their services in time and with impartiality. In fact, most of the non-implemented recommendations of the first of the aforementioned, CoE reports of this November (CoE 2020a) primarily focus on issues with Greece's justice system. It is a system that does not process cases in reasonable time, while remaining under the periodic political influence of the government (Papaioannou and Karatza 2018, Sotiropoulos 2017). Indeed, upon the retirement of higher judges, government ministers are convened in a session of the Cabinet. It selects the new higher judges for commanding posts of higher courts, upon a proposal made by the Minister of Justice (article 90 para. 5 of the Constitution). The existing provision that the Minister should have first received a non-binding opinion of a body consisting of the Parliament's President and Vice-Presidents, simply means that an additional layer of politicization is added to the layer of politicized selection of the top managers of the justice system by the Cabinet.

Meanwhile, even though there has been progress in establishing safeguards against corruption policies (Freedom House 2020), anti-corruption agencies remain weak with regard to the resources and skills they can mobilize to control corruption (Bratu, Sotiropoulos and Stoyanova 2017).

Important anti-corruption mechanisms had been established before the economic crisis erupted, but had been ineffective, lacking in expertise and resources; or fearing to create a backlash among some of the unions of civil servants. Examples were the General

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Inspector of Public Administration and Disciplinary Councils within ministries and state agencies.

However, the onset of the economic crisis in 2010 was a turning point in anti-corruption policies, as Greece's creditors and national public opinion demanded changes in the fight against corruption. Already in 2010 the government had established a new electronic transparency system called "Diavgeia" (meaning clarity). From then on, all public services were required to upload all administrative acts. After 2010, under the pressure of Greece's creditors and the Council of Europe, large-scale, new anti-corruption legislation was passed. For example, in 2014 new legislation provided for harsh sanctions for public officials receiving bribes and also protected whistleblowers in the public sector. In the same year, Disciplinary Councils in public services at last started processing more quickly cases of corruption of civil servants. All in all, 15 new laws pertaining to anticorruption were passed in the short time span of 2010-2015. Additional legislation was passed after 2015 and culminated in the revision of the Criminal Code in early 2019.

*"After 2010, under the pressure of Greece's creditors and the Council of Europe, large-scale, new anti-corruption legislation was passed."*

Greece started converging towards other Member-States of the EU but only at the level of passing legislation. The problem with implementation was made worse because of large-scale, if not frequent organizational changes, evident in the mushrooming of new anti-corruption authorities. The Economic Crime Prosecutor was established in 2011 and was staffed by two prosecutors charged with investigating economic crimes. The Anti-corruption Prosecutor was established in 2013 and was endowed with powers to control corruption across the public sector. In the same year the then government appointed a former judge to the post of "national anti-corruption coordinator". In 2015 the new government re-organized anti-corruption authorities, by assigning the relevant tasks to a new General Secretariat of Anti-corruption (GEGKAD) and a Minister of Anti-corruption. In September of the same year the post was abolished. A post of Deputy Minister for Anti-Corruption was created and was subsumed under the supervision of the Minister of Justice. In 2015 all anti-corruption competences were assigned to the aforementioned General Secretariat forming part of the same ministry.

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In 2015-2016 the government updated an earlier "Road Map on Anti-Corruption", with the help of the European Commission. Prosecuting and judicial authorities resumed relevant investigations and trials, although there were underlying tensions between general prosecutors on the one hand and the special anti-corruption prosecutors on the other hand. Further on, the supervision of anti-corruption by a political official (the aforementioned Deputy Minister) dampened the chances that anti-corruption would gain the needed trust of public opinion. After the government turnover of 2019, the post of the Deputy Minister for Anti-corruption was abolished and a new all-encompassing anti-corruption authority was established, after the example of other European countries. It was named "National Transparency Authority" (EAD, <https://aead.gr/en/>) and encompassed all other anti-corruption agencies, except the justice system. Finally, in late in 2020 the special anti-corruption prosecuting authorities were merged with the rest of prosecuting authorities.

In brief, since the onset of the economic crisis there has been some visible progress in anti-corruption, but there have also been too many shifts and turns in the legal bases and the organizational aspects of anti-corruption. Moreover, prosecutors and judges are often swamped with cases of criminal investigations some of which are unsubstantiated (for example, cases against politicians which have not passed through an institutional filter, separating real cases from fabricated ones). Further on, anti-corruption authorities, as the justice system as a whole, still lack adequate digital infrastructure and modern management methods. In a nutshell, progress in anti-corruption has been

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marred by a “stop-and-go” pattern of reforms, organizational impediments and last, but not, least political interference, instances of which are outlined below.

*“...progress in anti-corruption has been marred by a “stop-and-go” pattern of reforms, organizational impediments and last, but not, least political interference.”*

### Political usages of anti-corruption

The fact that successive governments have re-organized anti-corruption agencies is not a promising sign, as it may reflect a chronic propensity to put control of corruption to political party usages. In Greece it has been customary for anti-corruption initiatives, taken by the government, to become a tool in political party contests. For example, in 1990-1992, under the ND government led by Constantine Mitsotakis, the former Pasok Prime Minister Andreas Papandreou and several of his ministers were put through trial on charges of corruption. The former PM was acquitted, while two ministers were condemned to prison sentences (which were later annulled). In 1993 Andreas Papandreou won the parliamentary elections and initiated a criminal investigation against Constantinos Mitsotakis. Soon, however, the case was dropped by Papandreou himself.

In February 2018, the Syriza/ANEL parliamentary majority in Greece made a much publicized but aborted attempt in parliament to link two former Prime Ministers and eight former ministers (all of them members of former ND and/or Pasok Cabinets), with acts of corruption allegedly committed by the multi-national pharmaceutical company Novartis. While the case is not over, the parliamentary investigation was short-lived and inconclusive, as it turned out that the parliament did not have the jurisdiction to process the case, while adequate evidence was lacking.

*“It is high time that anti-corruption is liberated, so to speak, of the shackles of on-going political party competition.”*

In all above cases, while the truth about the investigated cases was not learned, the purpose of the government's discrediting politicians of current opposition was served. It is high time that anti-corruption is liberated, so to speak, of the shackles of on-going political party competition; and that measures to constrain any illegitimate government – business nexus of relations are implemented.

In what follows, there are a few among many possible alternative policy recommendations to enhance and streamline accountability mechanisms and processes in today's Greece. The suggested recommendations may be possible measures to counter some of the problems analyzed above, such as the uncontrolled donations to candidates in elections and political parties waging electoral campaigns and the politicization of the justice system. Athens-based NGOs, such as Transparency International (Greek Branch), “Vouli Watch” and others, have made similar recommendations in the past (<https://www.transparency.org/en/countries/greece>, <https://vouliwatch.gr/>).

### Recommendations

- Post MPs' asset disclosure declarations on the web, not only for a specific year (the latest concerns the tax year 2018), but from the beginning of their political careers up to date and verify the disclosed assets (e.g., cross-check with tax data), before making them available in public; or enforce a deadline for asset verification after such assets are made public.
- Provide the Greek Parliament's Elections Committee that monitors campaign expenditures with additional resources to facilitate the completion of asset verification in due time.

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- Reform the composition of the aforementioned Committee by a) excluding MPs participation (today two MPs, one representing the governing party, the other one the main party of the opposition, participate in the 11-member Committee) and b) assigning the post of chairperson of that Committee to a non-Member of Parliament. That Committee is today chaired by the head of the parliament's Committee of Institutions and Transparency, who is also one of the parliament's vice-presidents. (Recommendation feasible only to the extent that it does not violate the principle of separation of powers, i.e., the separation of the Executive, Legislative and Judicial branches).
- As large electoral districts unavoidably motivate political party candidates to search for funding to cover the soaring costs of electoral campaign, proceed with the further breaking down of major electoral districts into smaller ones (after the breaking down of the Region of the greater area of Athens in the parliamentary elections of 2019).
- Instead of requiring the prosecutors to immediately refer to the parliament any criminal case in which government ministers are allegedly involved, activate the five-member Judicial Council of article 86 para. 4 of the Constitution, empowering this Council to judge whether a criminal investigation is warranted in cases of alleged corrupt acts, before calling upon the parliament to decide on the issue (Recommendation requiring constitutional reform).
- Further depoliticize the selection process of higher judges, who are currently hand-picked to occupy the commanding posts of Presidents and Vice-Presidents of the higher courts, namely the Council of the State, the Audit Office, and Supreme Civil and Criminal Court of Greece- Court of Cassation, as well as the Supreme Prosecuting Authorities (Recommendation requiring constitutional reform).
- Reform and increase sanctions on parties which violate the relevant regulations of party financing (law 3023/2002), as under the current regulations, parties suffer extremely lenient penalties.

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