

OFFICIAL GAZETTE OF THE HELLENIC REPUBLIC FIRST ISSUE

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LAW No 2690

Ratification of the Administrative Procedure Code and other provisions

THE PRESIDENT
OF THE HELLENIC REPUBLIC

We hereby issue the following law passed by Parliament:

First article

The Administrative Procedure Code is ratified, which has been drawn up in accordance with the provisions of paragraph 6, article 76 of the Constitution, by the Committee established by authority of the provisions of article 18 (para. 18 and 24) of Law 2503/1997, by resolution number DIDK/F.38/4/2085/15.9.1997 of the General Secretary of the Ministry of Interior, Public Administration and Decentralisation, as amended by resolution number DEDK/F.38/4/ 27737/16.12.1997 of the said General Secretary and re-established by resolution number DEDK/F.38/4/23951/30.11.1998 in order to examine the observations of the Members of Parliament expressed in the Permanent Public Administration Committee of Parliament.

FIRST CHAPTER GENERAL PROVISIONS

Article 1

Scope of application of the Code's provisions

The provision of the present Code are applied to the State, the local administration organisations and other legal entities of public law.

Article 2

Ex officio action of the Administration

The administrative bodies should proceed ex officio to the actions stipulated by the applicable provisions within the specific time limits. If any: otherwise within a reasonable period of time.

Article 3

Applications to the Administration

1. An application of the interested party for the issuance of an administrative deed is required when so stipulated by relevant provisions.
2. The interested party may, before the issuance of the administrative deed, waive the application without any consequences, unless there is a special regulation to the contrary. There can be no revocation of the application.
3. For the convenience of the interested parties, application forms are used, which should be provided by the public authorities on all issues within their competence. The forms include the conditions provided for by the legislation for the satisfaction of the request, the applicable provisions, the supporting documents that should be

submitted by the interested party, as well as the period of time within which the answer will be given. If the interested party states that she cannot write, the competent public servant, following an oral account of the request of the interested party, is obliged to draw up the application himself/herself.

4. The identity particulars mentioned in the application, in case of Greek citizens, are evidenced by the identity card or the relevant temporary certificate of the competent authority or the passport. The identity of aliens is proved, in case of citizens of European Union member states, by the identity card or the passport or another document based on which their entry in the country is allowed or documents issued by the competent Greek authorities. The identity of legal entities is proved in accordance with the provisions applicable in the place where their registered offices are located. When the application is not submitted in person. It should be accompanied by a certified photocopy of the identity card or the respective documents
5. Facts or particulars that are not proved by the identity card or the respective documents, if not otherwise stipulated by special provisions, are accepted on the basis of a statutory statement of the interested party, made on a form stipulated by the relevant provisions. The said statement is also submitted when the particulars of the identity card on family status, residence and occupation have changed.

Article 4

Handling of cases by the Administration

1. When applications are made, the administrative authorities are obliged to handle the cases of the interested parties and decide on their requests within the time limit, if any, stipulated by the relevant special provisions, otherwise, within sixty (60) days. The time limit begins when the application is submitted to the competent service. If the application is submitted to a non competent service, this service is obliged, within five (5) days, to forward it to the competent service and notify the interested party accordingly. In this case. the time limit begins from the date when the application was received by the competent service.
2. If a case cannot be handled within the time limit of the previous paragraph, the competent service is obliged to notify the following to the interested party in writing: a) the reasons for the delay, b) the civil servant to whom the case was assigned and his telephone number for the provision of information, c) the supporting documents that may be missing, as well as d) any other useful information.
3. The services are relieved from the obligations under paragraph 1 if the request is clearly illegal or repeated in an excessive way.
4. The administrative authorities should, at the request of the interested party, to issue certificates and attestations immediately. If the immediate issuance thereof is not possible, they are sent by mail within ten (10) days at the given address. There is no such obligation if the interested party, in his/her application, states that s/he does not want the application sent by mail and that s/he will receive these documents in person or by an authorised representative.

Article 5

Access to documents

1. Any interested party is entitled, by written application, to be informed of administrative documents. Administrative documents are documents drawn up by

- public services, such as reports, studies, minutes, statistical data, circulars, replies of the Administration, opinions and resolutions.
2. Any person having special legal interest is entitled, by written application, to be informed of private documents kept in public services that are related to his/her case pending before them or handled by them.
 3. The right under the previous paragraph is not applicable in cases when the document concerns the private or family life of a third party or if there is violation of confidentiality stipulated by special provisions. The competent administrative authority may refuse to satisfy this right if the document refers to the discussions of the Cabinet of Ministers or if the satisfaction of this right may substantially obstruct the investigation of judicial, police or military authorities concerning the commission of a crime or an administrative violation.
 4. The right of paragraphs 1 and 2 is exercised: a) by studying the document at the premises of the service or b) by issuing a copy, unless the reproduction thereof can prejudice the original. The relevant reproduction cost is incurred by the applicant unless the law stipulates otherwise. If it is about medical information, they are notified to the applicant with the assistance of a medical doctor appointed for this purpose.
 5. The right under paragraphs 1 and 2 is exercised subject to the existence of any copyright or industrial property right.
 6. The refusal of the right under paragraphs 1 and 2 should be justified and notified in writing to the applicant within one (1) month after the submission of the application.

Article 6

Previous hearing of the interested party

1. Before-any-action or measure against the rights or interests of a specific person, the administrative authorities are obliged to invite the interested party to express his/her opinion, in writing or orally, concerning the relevant issues.
2. The invitation to the hearing is in writing, states the place, day and time of the hearing and determines the subject of the measure or the action. The invitation is forwarded to the interested party at least five (5) full days before the hearing date. The interested party is entitled to be informed of the relevant evidence and proceed to counter-evidence. The observance of the said procedure, as well as the consideration of the views of the interested party, should be ascertained by the Justification of the administrative deed. The adopted measure should be taken within a reasonable period of time from the date of hearing of the interested party.
3. If the immediate taking of the unfavourable measure is necessary to prevent a risk or due to imperative public benefit, the settlement is exceptionally possible without previously inviting the interested party. If the settled situation may be changed, the administrative authority, within fifteen (15) days, invites the interested party to express his/her views in accordance with the previous paragraphs, and makes a new settlement, if applicable. If the said time limit passes and no action is taken, the measure ceases to be applied ipso jure without any further action.
4. The provisions of paragraphs 1 and 2 are also applied when the provisions related to the unfavourable administrative deed allow for the possibility to file an administrative appeal.

Article 7

Impartiality of the administrative bodies

1. The administrative bodies, one-member or collective ones. Should provide guarantees of impartial judgement in the performance of their duties.
2. The one-member bodies, as well as the members of the collective bodies, should refrain from any action or procedure constituting participation in decision-making or expression of opinion or proposal if: a) the satisfaction of their personal interest is related to the course of the case or b) they are spouses or relatives by blood or affinity, unlimitedly in straight line and up to the fourth degree in oblique line, with one of the interested parties or c) they have a special bond or peculiar relation or animosity with the interested parties.
3. If the body or member of collective body finds that there are grounds for their abstention, they should immediately state them to their superior authority or the chairman of the collective body respectively, and refrain from any action. In such cases, the superior authority or the collective body decides on the matter as soon as possible.
4. An application for the exclusion of an one-member body or a member of a collective body may be submitted by the interested parties at any state of the procedure. The application is submitted to the superior authority or the chairman of the collective body or to the deciding body, as the case may be. For all other matters, the provisions of the last sentence of the previous paragraph are also applicable in this case.
5. The exclusion may also be order ex officio by the superior authority or the collective body.
6. The provisions of the previous paragraphs are not applied in the event that abstention is declared or exclusion is requested of such a number of members of a collective body that the remaining members cannot attain the quorum provided for in paragraph 1 of article 14.

Article 8

Substitution of administrative bodies

In the event of absence or impediment, the head of an organic public authority unit is substituted by the senior in rank head of inferior organic units. If there are no inferior organic units, the head is substituted by the senior in rank public servant of the unit. In case of persons equal in rank, the substitute is the head or civil servant who has served more time at the rank. In any case, the appointed substitute should belong to a sector whose public servants may be superiors under the relevant provisions.

Article 9

Transfer of power of administrative bodies Signatory authority of administrative bodies

1. The power of administrative bodies is determined by the relevant provisions.
2. The competent administrative body, if so allowed for by the relevant provisions, may, by regulative deed, transfer its power. In this case, the power is exercised exclusively by the body to which it was transferred, unless the relevant provisions stipulate that it may also be exercised by the body that transferred it.
3. The competent administrative body, if so allowed for by the relevant provisions, may also, by regulative deed, authorise an inferior in rank body to sign, by its authority, deeds or other documents of its power.

4. For informing the interested parties, the preamble of administrative deeds states the provisions that determine the power for the issuance of the deed and, if applicable, the deed of its transfer to the body that issues the deed or the deed of authorisation to sign.

Article 10
Time limits for action

1. The time limits for the submission of an application, complaint, statement or other document of the interested party, as well as for any other action thereof are exclusive, unless they are characterised as indicative by the provisions that determine them.
2. The interested party may, within the provided time limit, submit his/her application or other document by mechanical means, if such means leaves an imprint that renders the identification of the forwarding and receipt machine as well as the date and time of forwarding and receipt unquestionable. However, the interested party should submit, in accordance with the provisions of articles 3 and 11, within five (5) days after the expiry of the time limit, a document with his/her signature, having the same content as the document received by the service by the mechanical means.
3. The interested party may submit his/her document by registered mail if allowed by the relevant special provisions. In such cases, the date of submission is the date of delivery of the letter to the mail service.
4. If the provisions require the joint submission of certificates, supporting documents or other public documents and if such documents are not jointly submitted for reasons that concern the administrative authority that is competent for their issuance, the timely submission of the document of the interested party is sufficient. In such case, the document submitted by the interested party should state the reason for the non joint submission of the public documents which, in any case, should be submitted by the interested party when the reason that made their joint submission impossible ceases to exist.
5. The time limits for Administration are indicative, unless the provisions that determine them state that they are exclusive. The time limits for the issuance of individual administrative deeds, unfavourable for the person immediately concerned, are exclusive.
6. The excess of the time limits is excused in cases of force majeure.
7. For the calculation of the time limits, if not otherwise stipulated by special provisions, the provisions of articles 241-246 of the Civil Code are applied.

Article 11
Certification of genuine signature
Certification of copies

1. The certification of genuine signature of the interested party is made by any administrative authority on the basis of the identity card or the respective documents provided for in article 3.
2. The interested party may request the certification of a copy of the original or the true copy of the authority that issued the original by any administrative authority. No certification of copy or photocopy is required if it is accompanied, under paragraph 5 of article 3. by a statutory statement in which the interested party certifies the accuracy of the particulars.

3. The administrative authorities should accept certified copies of certificates, attestations or other supporting documents. These copies, as well as those accompanied by the statutory statement of para. 5 of article 3, are accepted just like the originals.

Article 12

Keeping a service protocol

Issuance of certificate for the registration of a document

Any document coming to the service in any way, is recorded on the same day in the incoming book by serial number, along with a characterisation and reference to the subject and the number of particulars accompanying it. The body to which it is addressed and the incoming date are also recorded in the said book. The service should issue a certificate for the registration of the document containing all the above particulars.

SECOND CHAPTER COLLECTIVE ADMINISTRATION BODIES

Article 13

Formation

1. For the lawful formation of a collective body, the appointment, by deed, of all the members (regular and substitute) provided for by law is required. The appointment of the same person in more than one capacities is not allowed. If some members are elected or nominated by third, parties and these members have not been elected or nominated yet by the competent bodies, the formation is lawful if their election or nomination has been requested in writing promptly and the other members are sufficient for a quorum.
2. The collective bodies, if the law does not stipulate otherwise, are composed of at least three (3) members.
3. The chairman and the secretary of the collective body are appointed, together with their substitutes, by the deed of formation thereof. If the collective body is composed solely of elected members, the chairman, secretary and other members to whom a specific office is assigned, together with their substitutes, are elected by secret ballot by the members of the collective body.
4. Any illegal acquisition of the capacity in which a person is appointed as member of a collective body does not affect the legality of formation of the body.
5. The collective body may function, but for no more than three months, if some of its members are absent or withdraw for any reason or lose the capacity in which they were appointed if, during its meetings, the other members are sufficient for the quorum.
6. When the law provides for a term of office for the members of the collective body, the replacement of a member before the expiry of the term of office is possible only for reasons referring to the performance of his/her duties, which should be certified in the relevant deed.

Article 14

Composition - Meetings - Function

1. The collective body holds lawful meetings when more than half of the appointed regular members (quorum) participate as regular or substitute members. The quorum should be present throughout the meeting. If there is no quorum during the first meeting, the body convenes a new meeting held twenty four (24) hours at the earliest, at the same place and with the same agenda. In this meeting, there is

quorum if regular or substitute members participate therein who represent at least one third (1/3) of the total appointed regular members and, in any case, no less than three (3) regular or substitute members. In three-member collective bodies, the presence of all three (3) regular or substitute members is required for quorum.

2. The chairman determines the day, hour and place of meetings and invites the regular and substitute members to participate. The invitation, which includes the agenda, is forwarded by the secretary to the members of the collective body at least forty eight (48) hours before the meeting. The members may also be invited by telephone, telegram, fax or other suitable medium, if this fact is proved by a relevant note in a special book, which should include the date and signature of the person who made the invitation. This time limit may, in case of emergency, be shortened but, in this case, the invitation should be in writing and the reasons for the shortening should be certified therein. No invitation of the members of the collective body is required when the meetings are held at regular dates determined by resolution thereof, notified to its members. No invitation is required when a member has stated, before the meeting, an impediment for his/her participation therein or if this impediment is known to the chairman of the collective body.
3. The substitute members are invited to replace absent members or members in impediment of the same category, unless their appointment has not been made in such equivalence.
4. If, during the meeting, a regular member who was not invited is absent, the meeting is illegal. The same is applicable even if, instead of that member, the respective substitute member had participated therein. If there have been irregularities in the invitation of a member, the collective body may hold a lawful meeting if such member is present and does not oppose to the holding of the meeting.
5. The legality of composition of the collective body is not affected by any alternation of the participating members in successive meetings.
6. Members of a collective body who are spouses or connected between them by kinship of up to the fourth degree by blood or affinity, cannot participate in the same meeting.
7. The convocation of a meeting of the collective body is compulsory if at least one third (1/3) of its total regular members so requests in writing by the chairman, the request should also determine the issue to be discussed.
8. The agenda is drawn up by the chairman who takes into account views that may have been expressed by members of the collective body.
9. The subject of the meeting is only the issues of the agenda. Exceptionally, issues that are not included in the agenda may be discussed if all regular members are present and agree to the discussion.
10. Meetings are confidential unless the law stipulates otherwise. The presence during the meeting of persons other than the members and the secretary or any specifically persons appointed by law, is prohibited. However, the collective body may invite service or other persons, for the provision of information or submission of particulars, who should leave before the commencement of the meeting.
11. When the law provides for a public meeting of the collective body, the place and time of the meeting are announced in a timely and suitable manner and, in any case, at least forty eight (48) hours before the meeting, so that the interested parties may come and attend the meeting. The observance of publicity should be certified in the relevant minutes.

12. The chairman announces the commencement and closing of the meetings, directs the discussions and sees to the observance of law and smooth operation of the collective body.

Article 15 Resolutions

1. The resolutions of the collective bodies are made by absolute majority of the attending members, unless the law stipulates otherwise. If such majority cannot be attained, the voting is repeated until absolute majority is attained, with the compulsory agreement each time of the person or persons who express the weakest opinion, with one of the prevailing ones. In case of equal votes, the chairman's vote is prevailing, unless the voting is secret, in which case it is repeated once more, any equal votes in this case amounts to rejection. Any member who abstains from voting or gives a blank vote is considered as absent.
2. If the discussion of the matter lasts for more than one meetings, the resolution is made by the members participating in the last meeting provided that any members who did not participate in the preceding meetings are fully informed of the material points of the discussions. The said members certify in the minutes that they have been informed accordingly.
3. The voting is not secret, unless the law stipulates otherwise.
4. Minutes are drawn up for the meetings of the collective body which state, in particular, the names and capacities of the attending members, the place and time of the meeting, the issues discussed with brief but concise reference to their content, the form and results of voting and the resolutions made.
5. The opinions of the minority members and, in case of open voting, the names thereof are also recorded in the minutes.
6. If the body holds the meeting to express a simple opinion, all other opinions expressed and put to vote should be recorded in the relevant minutes.
7. The minutes are drawn up by the secretary and certified by me chairman.
8. The signature of the chairman or his/her substitute is sufficient for the lawful foundation of each deed of the collective body.

THIRD CHAPTER ADMINISTRATIVE DEED

Article 16 Content and form

1. The administrative deed is in writing, states the issuing authority and the applicable provisions and bears the date and signature of the competent body. The individual administrative deed also states the possibility, if any, of filing a special administrative or remedial appeal under article 25 and mentions the competent body for examination, the time limit and the consequences of failure to file such appeal. Any appeal made in accordance with the said information of the service cannot produce consequences against the appellant. The failure to mention the applicable provisions and the information stated in the second sentence does not imply that the deed is invalid.
2. The individual administrative deed may, exceptionally, be oral if this is necessary for the achievement of the purpose thereof. To this end, the use of symbols is also permitted provided that the receivers of the deed are able to understand its content.

Article 17

Justification

1. The individual administrative deed should contain a Justification that includes the ascertainment that the conditions for its issuance are met.
2. The justification should be clear, specific, sufficient and derived from the particulars of the file, unless the law expressly stipulates that it should be contained in the deed.
3. When the administrative deed is issued ex officio, the evidence is collected by initiative of the competent body for the issuance thereof. When the interested party requests the issuance of an administrative deed, s/he is obliged to submit the supporting documents specified by the relevant provisions, unless such documents are available to the administrative authority that is competent for the issuance of the deed.

Article 18

Publication

1. The individual administrative deed is complete by signing and dating thereof or by its publication if the law stipulates that it should be published. The regulatory administrative deed is complete by its publication in the Official Gazette, unless a special method of publication is stipulated.
2. In the event of publication in the Official Gazette, the publication date is the date of the issue of the Gazette provided that, on such date, any interested party may be given a copy of the issue or a certified photocopy of the relevant proof.
3. The competent authorities are obliged to give a certificate for the meeting of the condition of the previous paragraph or for the implementation of the publication in any other lawful means.
4. If the published text has graphic or accounting errors, a correction thereof may be published, which should be limited to the correction of such errors.

Article 19

Service

1. The individual administrative deed is served upon the person whom it concerns.
2. Subject to any special provisions, the service is made in any suitable means.

Article 20

Opinion - Proposal

1. When the law on the issuance of administrative deed provides for the previous opinion (simple or consenting) or proposal of another body, the opinion is expressed following a query of the body having deciding authority and the proposal is submitted by initiative of the proposing body. The opinion or proposal should be in writing, justified and opportune as to its content.
2. The body that has deciding authority cannot issue a deed with content other than that of the consenting opinion or proposal. The non acceptance of a positive opinion or proposal as well as any deviation from simple opinion should be accompanied by specific Justification.
3. The competent body for the issuance of administrative deed may ask the opinion of another body voluntarily. In such case, the provisions on simple opinion are applicable.

4. If the simple opinion is not expressed within the time limit set for this purpose by the law or by the deciding body or, in any case, within a reasonable period of time, the administrative deed may be issued without it.

Article 21

Revocation

1. The competent body for the revocation of an individual administrative deed is the body that issued it or the body that is competent for its issuance.
2. The procedure provided for the issuance of the deed does not have to be observed for the revocation thereof, unless a legal or illegal deed is being revoked following the assessment of facts.

FOURTH CHAPTER ADMINISTRATIVE CONTRACT

Article 22

Form

The administrative contract is subject to the written form, unless the law stipulates otherwise. The proposal and acceptance of its conclusion may be effected by separate documents.

Article 23

Conclusion

The administrative contract concluded following a tender or by direct assignment is concluded as of and by service to the interested party of the deed by which the tender or the assignment are completed respectively, unless the law stipulates otherwise.

FIFTH CHAPTER ADMINISTRATIVE APPEALS - COMPLAINTS

Article 24

Application for remedy - Hierarchical appeal

1. If the relevant provisions does not allow for the possibility to file the special administrative or remedial appeal under the following article, for the restitution of material or moral prejudice of lawful interests caused by an individual administrative deed, the interested party may, for any reason, apply for revocation or amendment thereof (application for remedy) to the administrative authority that issued the deed, or for cancellation thereof (hierarchical appeal) to the superior authority of the authority that issued the deed.
2. The administrative authority to which the said application is submitted should notify its decision to the interested party within thirty (30) days, unless special provisions stipulate a different time limit.
3. If another administrative authority is competent for the revocation or amendment or cancellation of the deed, the authority to which the application for remedy or the hierarchical appeal was filed should forward it to the competent authority within five (5) days. In this case as well, the competent authority should notify its decision to the interested party within the time limit stated in the previous paragraph.
4. If the deed is cancelled, the case is referred back to the authority that issued the deed, unless the relevant provisions stipulate power of the superior authority for its issuance.

Article 25

Special administrative appeal - Remedial appeal

1. When so stipulated by special provisions, for the restitution of material or moral prejudice of lawful interests caused by an administrative deed, the interested party may appeal to the administrative body stipulated by such provisions within the time limit stated therein and request the cancellation or amendment of the deed, as the case may be.
2. The administrative body, in accordance with the stipulations of the relevant provisions, either examines only the legality of the deed, in which case it may cancel the deed partially or in total or dismiss the appeal (special administrative appeal) or examines both the legality of the deed and the merits of the case, in which case it may cancel the deed partially or in total or amend the deed or dismiss the appeal (remedial appeal). The competent body should notify its decision to the appellant within the time limit, if any, set by the special provisions or, in case of special appeal, within thirty (30) days and, in case of remedial appeal, within three (3) months.
3. If another administrative body is competent to decide on the special administrative or remedial appeal, the body to which the appeal was filed should forward it to the competent body within five (5) days. In this case as well, the competent administrative body should notify its decision to the interested party within the time limits stated in paragraph 2.

Article 26

Common provisions

When an administrative appeal is filed, the competent authority for the examination of the appeal may, at the request of the interested party or ex officio, suspend the execution of the administrative deed until it decides on the appeal and, in any case, up to the time limit set for the issuance of its decision.

Article 27

Complaint

If the filing of an administrative appeal under articles 24-26 is not possible, for the restitution of material or moral prejudice of legal interests caused by an action or omission of an administrative authority, the interested party apply to such authority and request the restitution or reversal of such prejudice. The provisions of paragraphs 1-3 of article 4 are also applicable here for any other matters.

SIXTH CHAPTER

FINAL AND TRANSITIONAL PROVISIONS

Article 28

Duration of time limits

The duration of time limits that had begun before the entry into force of the Code is calculated in accordance with its provisions only if their duration provided for therein is bigger than that stipulated in the previously applicable provisions.

Article 29

Extension and suspension of time limits

The provisions of the Code are applicable for the extension and suspension of time limits due to a fact that occurred after the entry into force of the Code.

Article 30

Definition of terms

When the term "administrative deed" is mentioned in the Code, it means the enforceable administrative deed.

Article 31

Mention of provisions

When an article is mentioned in the Code without reference to the relevant law, it means that such article belongs to the present Code.

Article 32

References

When a reference to the provisions of other laws is made in the present Code, such references are made to these provisions, as applicable each time.

Article 33

Eliminated provisions

1. Unless stipulated otherwise herein, when the Code enters into force, any general provision referring to a matter settled thereby is eliminated.
2. When reference is made by the applicable legislation to provisions eliminated in accordance with the previous paragraph, the reference is considered to be made to the respective provisions of the Code.

Second article

1. The Ministries, Regions, legal entities of public or private law of the public sector, as defined in accordance with the provisions of para.1, article 14 of Law 2190/1994, as applicable, the Local Administration Organisations of 1st and 2nd level, as well as the Municipal Water and Sewage Companies may draw up Charters of Obligations to the citizens with whom they transact. For all Ministries and legal entities with registered offices in the Prefecture of Attica, the Charters are drawn up by resolution of the competent Minister or by the General Secretary of the Region of Attica in case of legal entities of public law supervised thereby, on motion of the administration bodies. For Regions and legal entities with registered offices outside the Prefecture of Attica and for Local Administration Organisations of 1st and 2nd level, their legal entities of public law and the Municipal Water and Sewage Companies, the Charters are drawn up by resolution of the competent General Secretary of Region, on motion of the Municipal or Community or Prefectural Council or the Board of Directors of the company.

The Charters of Obligations may determine any time or other commitments of the service or body that drew them up to the citizens, relating to the quality of goods or services rendered to them. The said commitments constitute obligations beyond those provided for by the relevant regulations governing the duties exercises. The Charters may also determine control procedures for the observance of the content of the Charter and the commitments undertaken.

The Charters of Obligations may also provide for specific administrative consequences that will incite the service or body to meet their obligations undertaken towards the transacting citizens. They may also provide for the obligation of immediate payment or payment within an express or exclusive time limit, of money or other compensation - restitution of the citizen for deficient fulfilling of the obligations undertaken by the relevant Charter. Such provisions are also applicable in cases where special provisions stipulate obligations of services towards citizens. In cases where specific consequences - obligations of the service to the citizens are provided for, the procedures for asserting the citizens' claims arising from violations of the content of the Charter should also be provided for. Compensation may be paid to citizens only once for the same reason. The non payment of compensation for the same reason is certified by submission by the applicant citizen of a statutory statement to the competent service.

Any obligations of the service or body provided for by the pertinent regulations, in relation to the exercised powers, continue to be applicable and may be amended by the Charters of Obligations only in case they introduce more favourable provisions for the citizens. The commitments undertaken by the services or bodies by the Charters are applicable exclusively and solely for the service or body that issued the Charter and such service or body may amend or supplement it.

- 2.a. The first passage of para.8, article 5 of Law 1943/1991 (Official Gazette 50 A') is replaced as follows:

"The amount of the payable sum provided for in the previous paragraph 7, is determined by the Committees of paragraph 13 of the present article, on motion of the General Secretariat for Public Administration of the Ministry of Interior, Public Administration and Decentralisation or the Region, which take over the case at the request of the citizen".

- b. Paragraph 13, article 5 of Law 1943/1991 is replaced as follows:

"A Special Committee for the Application of the above provisions is established within the Ministry of Interior, Public Administration and Decentralisation, for matters included in the authority of the Ministries, consisting of advisors or associates of the Court of Audit or the Legal Council and civil servants of the Ministry of Interior, Public Administration and Decentralisation.

A resolution of the Minister of Interior, Public Administration and Decentralisation shall determine the number and capacity of the members of the Committee, regular and substitute. The resolution for the appointment of members also determines the secretary of the Committee and his/her substitute, out of the Ministry's civil servants.

The relevant issues are introduced to the Committee by civil servants of the said Ministry appointed each time by the General Secretary.

A Special Committee for the application of the above provisions is established to the seat of each Region, for issues referring to services of the public sector, as defined by the provisions of article 14 of Law 2190/1994, as applicable each time, operating within the specific region, consisting of advisors or associates of the Court of Audit or the Legal Council of the State or judges of appeal of administrative courts and civil servants of such Region.

A resolution of the General Secretary of the Region shall determine the number and capacity of the members of the Committee, regular and substitute. The resolution for the appointment of members also determines the secretary of the Committee and his/her substitute, out of the Region's civil servants.

The relevant issues are introduced to the Committee by civil servants of the said Region appointed each time by the General Secretary of the Region.

The remuneration of the members, the introducers and the secretaries of the Committees is determined by resolution of the Minister of Interior, Public Administration and Decentralisation and the Minister of Finance.

The procedure for examining the submitted requests and for payment of the compensation, when so required, is completed within sixty (60) days from the date of submission of the citizen's request.

When the Special Committee of the Region finds that it is not competent to decide, it refers the matter to the committee of the Ministry of Interior, Public Administration and Decentralisation.

- c. Article 9 of Law 2477/1997 (Official Gazette 59 A') is abolished.

Third article
Entry into force

The present law will enter into force when published in the Official Gazette.

We hereby order the publication hereof in the Official Gazette and its execution as a Law of the State.

Athens, 5th March 1999
The President of the Republic
Konstantinos Stefanopoulos

The Minister of Interior, Public Administration and Decentralisation
V.Papandreou

The Minister of National Economy and Finance
G.Papantoniou

The present was certified and the Great Seal of State was affixed.

Athens, 8th March 1999
The Minister of Justice
E.Giannopoulos