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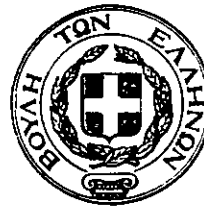
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HOUSE OF PARLIAMENT

# CONSTITUTION OF GREECE

VOTED

by the fifth Revisionary Parliament of  
the Hellenes on the 9th of June 1975 and  
entered into force on the 11th of June 1975



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ATHENS 1975

## NOTE

The Government of national unity formed after the collapse of the military dictatorship under the presidency of Mr. Constantine Caramanlis, had announced, by its first constitutional act dated the 1st of August, 1974, the elaboration of a new Constitution. Another constitutional act dated the 3rd of October, 1974, provided for the proclamation of a referendum in order to fix the type of the democratic regime as well as for the election of an Assembly having as its primary mission the revision of the previous Constitution. The Government issued of the elections of the 17th November, 1974, proclaimed, for the 8th of December 1974, a referendum in which the results had attested the preference of the electorate for a republican regime. One month later the same Government submitted to the Parliament a draft project of the Constitution giving an answer to the directive lines indicated by article 3 of the Constitutional Act of the 3rd of October, 1974 which would serve as a basis for the future projects. A special Parliamentary Commission has been formed which, after an examination of the dispositions of the governmental draft project, was divided into two sub-committees, which, after 25 meetings, prepared a project to be submitted to the Parliament. The discussion before the Parliament lasted for more than two months. After 31 meetings the Parliament, in full session, approved, on the 9th of June 1975, the new Constitution fixing the 11th of June 1975 as the date of its entering into force.

The new Constitution is a result of synthesis. Although it adopts, in part, the provisions of the constitution of 1952, it follows the line of most liberal constitutions, based on the ideological plurality and on the human values. In addition to the provisions contained in the governmental draft project, many of which, have been incorporated in the final text, more or less modified and amended, no one could have an exact idea of the inspiration and the sources of the new provisions without having recourse to

propositions and amendments added by the opposition and by all the members of Parliament, taken individually, irrespective of the party they belong to.

If one wishes to establish in a concrete manner the results of all these contributions as to the spirit and to the content of the new Constitution, one may affirm soundly that, with its form and with its new provisions, the new Constitution tends of to the following :

a) To enlarge and to strengthen the system of individual liberty, regulating at the same time certain points which, in the past, caused difficulties and clashes;

b) To realize and to encourage the ideal of social justice. The traditional constitutional provisions are now amended or completed in order to secure both the desired social solidarity and the exercise of the individual rights not only as a subjective privilege but also as a social function;

c) Finally to favour the reform of the state organization so as to render it less complicated and more efficient in every sector.

# CONSTITUTION OF GREECE

In the name of the Holy and Consubstantial and  
Indivisible Trinity

THE FIFTH REVISIONARY PARLIAMENT  
OF THE HELLENES

RESOLVES:

PART ONE  
BASIC PROVISIONS

SECTION I.  
THE FORM OF GOVERNMENT

Article 1.

1. The form of government of Greece is that of a parliamentary republic.
2. Popular sovereignty is the foundation of Government.
3. All powers are derived from the People and exist for the People and the Nation; they shall be exercised as specified by the Constitution.

Article 2.

1. Respect and protection of the value of the human being constitute the primary obligation of the State.

2. Greece, adhering to the generally acknowledged rules of international law, pursues the strengthening of peace and of justice and the development of friendly relations between peoples and States.

## SECTION II.

### RELATIONS OF CHURCH AND STATE

#### Article 3.

1. The prevailing religion in Greece is that of the Eastern Orthodox Church of Christ. The Orthodox Church of Greece, acknowledging our Lord Jesus Christ as its head, is inseparably united in doctrine with the Great Church of Christ in Constantinople and with every other Church of Christ of the same doctrine, observing unwaveringly, as they do, the holy apostolic and synodal canons and sacred traditions. It is autocephalous and is administered by the Holy Synod of serving Bishops and the Permanent Holy Synod originating thereof and assembled as specified by the Statutory Charter of the Church in compliance with the provisions of the Patriarchal Tome of 29 June 1850 and the Synodal Act of 4 September 1928.

2. The ecclesiastical regime existing in certain districts of the State shall not be deemed contrary to the provisions of the preceding paragraph.

3. The text of the Holy Scripture shall be maintained unaltered. Official translation of the text into any other form of language, without prior sanction by the Autocephalous Church of Greece and the Great Church of Christ in Constantinople, is prohibited.

PART TWO  
INDIVIDUAL AND SOCIAL RIGHTS

Article 4.

1. All Greeks are equal before the law.
2. Greek men and women have equal rights and equal obligations.
3. All persons possessing the qualifications for citizenship as specified by law are Greek citizens. Withdrawal of Greek citizenship shall be permitted only in case of voluntary acquisition of another citizenship or of undertaking service contrary to national interests in a foreign country, under the conditions and procedures more specifically provided by law.
4. Only Greek citizens shall be eligible for public service, except as otherwise provided by special laws.
5. Greek citizens contribute without distinction to public charges in proportion to their means.
6. Every Greek capable of bearing arms is obliged to contribute to the defence of the Fatherland as provided by law.
7. Titles of nobility or distinction are neither conferred upon nor recognized in Greek citizens.

Article 5.

1. All persons shall have the right to develop freely their personality and to participate in the social, economic and political life of the country, insofar as they do not infringe upon the rights of others or violate the Constitution and moral values.

2. All persons living within the Greek territory shall enjoy full protection of their life, honour and freedom, irrespective of nationality, race or language and of religious or political beliefs. Exceptions shall be permitted only in cases provided by international law.

The extradition of aliens prosecuted for their action as freedom-fighters shall be prohibited.

3. Personal liberty is inviolable. No one shall be prosecuted, arrested, imprisoned or otherwise confined except when and as the law provides.

4. Individual administrative measures restrictive of the free movement or residence in the country, and of the free exit and entrance therein of every Greek shall be prohibited. Such measures may be imposed in cases of emergency and only in order to prevent the commitment of punishable acts, following a criminal court ruling, as specified by law. In extremely urgent cases the ruling may be issued after the administrative measure has been imposed and within three days at the latest; otherwise it is lifted ipso jure.

**Interpretative clause :**

Paragraph 4 does not preclude the prohibition of exit from the country for persons being prosecuted on criminal charges by act of the public prosecutor, or the imposition of measures necessary for the protection of public health or the health of sick persons, as specified by law.

**Article 6.**

1. No person shall be arrested or imprisoned without a reasoned judicial warrant which must be served at the moment of arrest or detention pending trial, except when caught while committing a criminal act.

2. A person who is arrested while committing a criminal act or on a warrant shall be brought before the competent examining magistrate within twenty-four hours of his arrest at the latest; should the arrest be made outside the seat of the examining magistrate, within the shortest time required to transfer him thereto. The examining magistrate must within three days from the day the person was brought to him either release the detainee or issue a warrant of imprisonment. Upon application of the person brought to him or in case of force majeure confirmed by decision of the competent



judicial council, this time-limit shall be extended by two days.

3. Should either of these time-limits elapse before action has been taken, any warden or other officer, civil or military servant, responsible for the detention of the arrested person must release him immediately. Violators shall be punished for illegal detention and shall be liable to restore any damage caused to the sufferer and to pay him a monetary compensation for moral damage, as specified by law.

4. The maximum duration of detention pending trial shall be specified by law; such detention may not exceed a period of one year in the case of felonies or six months in the case of misdemeanours. In entirely exceptional cases, the maximum durations may be extended by six or three months respectively, by decision of the competent judicial council.

#### Article 7.

1. There shall be no crime, nor shall punishment be inflicted unless specified by law in force prior to the perpetration of the act, defining the constitutive elements of the act. In no case shall punishment more severe than that specified at the time of the perpetration of the act be inflicted.

2. Torture, any bodily maltreatment, impairment of health or the use of psychological violence, as well as any other offence against human dignity are prohibited and punished as provided by law.

3. General confiscation of property is prohibited. The death sentence shall not be imposed for political crimes, unless these are composite.

4. The conditions under which the State, following a judicial decision, shall indemnify persons unjustly or illegally convicted, detained pending trial, or otherwise deprived of their personal liberty shall be provided by law.

#### Article 8.

No person shall against his will be deprived of the judge assigned to him by law.

Judicial committees or extraordinary courts, under any name whatsoever, shall not be constituted.

#### Article 9.

1. Every person's home is a sanctuary. Personal and family life of the individual is inviolable. No house search shall be made except when and as specified by law and always in the presence of representatives of the judicial power.

2. Violators of the preceding provision shall be punished for violating the sanctuary of the home and for abuse of power, and shall be liable to full damages to the sufferer, as specified by law.

#### Article 10.

1. Each person, acting on his own or together with others, shall have the right, observing the laws of the State, to petition in writing public authorities, who shall be obliged to take prompt action in accordance with provisions in force, and to give a written and reasoned reply to the petitioner as provided by law.

2. Prosecution of a petitioner for punishable acts contained in the petition shall be permitted after the final decision of the authority to which the petition was addressed has been served and permission of this authority has been obtained.

3. A request for information shall oblige the competent authority to reply, provided the law thus stipulates.

#### Article 11.

1. Greeks shall have the right to assemble peaceably and unarmed.

2. The police may be present only at outdoor public assemblies. Outdoor assemblies may be prohibited by a reasoned police authority decision, in general if a serious

the protection of law. The practice of rites of worship is not allowed to offend public order or moral principles. Proselytism is prohibited.

3. The ministers of all known religions shall be subject to the same supervision by the State and to the same obligations toward it as those of the prevailing religion.

4. No person shall be exempt from discharging his obligations to the State or may refuse to comply with the laws by reason of his religious convictions.

5. No oath shall be administered except by law determining the form thereof.

#### Article 14.

1. Every person may express and propagate his thoughts orally, in writing and through the press in compliance with the laws of the State.

2. The press is free. Censorship and all other preventive measures are prohibited.

3. The seizure of newspapers and other publications before or after circulation is prohibited.

Seizure by order of the public prosecutor shall be allowed exceptionally after circulation and in case of :

a) an offence against the Christian or any other known religion.

b) an insult against the person of the President of the Republic.

c) a publication which discloses information on the composition, equipment and set-up of the armed forces or the fortifications of the country, or which aims at the violent overthrow of the regime or is directed against the territorial integrity of the State.

d) an obscene article obviously offensive to public decency, in the cases stipulated by law.

4. In all the cases specified under the preceding paragraph, the public prosecutor must, within twenty-four hours from the seizure, submit the case to the judicial council which, within the next twenty-four hours, must rule whether the seizure is to be maintained or lifted; otherwise it shall be lifted ipso jure. An appeal and

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obligation of the State. Academic freedom and freedom of teaching shall not exempt anyone from his duty of allegiance to the Constitution.

2. Education constitutes a basic mission for the State and shall aim at the moral, intellectual, professional and physical training of Greeks, the development of national and religious conscience and at their formation as free and responsible citizens.

3. The number of years of compulsory education shall not be less than nine.

4. All Greeks are entitled to free education on all levels at State educational institutions. The State shall provide financial assistance to those who distinguish themselves, as well as to students in need of assistance or special protection, in accordance with their abilities.

5. Education at university level shall be provided exclusively by institutions which are fully self-governed public corporate bodies. These institutions shall operate under the supervision of the State and are entitled to financial assistance thereof; they shall operate on the basis of their statutory laws. Merging or splitting of university level institutions may take place notwithstanding any contrary provisions, as a law shall provide. A special law shall define all matters pertaining to student associations and the participation of students therein.

6. Professors of university level institutions shall be public functionaries. The remaining teaching personnel likewise perform a public function, under the conditions specified by law. The statutes of respective institutions shall define matters relating to the status of all the above.

Professors of university level institutions shall not be dismissed prior to the lawful termination of their term of service, except in the cases of the substantial provisions under article 88 paragraph 4 and following a decision by a council constituted in its majority of highest judicial functionaries, as specified by law.

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Professors of university level institutions shall not be dismissed prior to the lawful termination of their term of service, except in the cases of the substantial provisions under article 88 paragraph 4 and following a decision by a council constituted in its majority of highest judicial functionaries, as specified by law.

The retirement age of professors of university level institutions shall be defined by law; until such law is issued professors on active service shall retire ipso jure at the end of the academic year at which they have reached the age of sixty-seven.

7. Professional and any other form of special education shall be provided by the State, through schools of a higher level and for a time period not exceeding three years, as specifically provided by law which also defines the professional rights of graduates of such schools.

8. The conditions and terms for granting a license for the establishment and operation of schools not owned by the State, the supervision of such and the professional status of teaching personnel therein shall be specified by law.

The establishment of university level institutions by private persons is prohibited.

9. Athletics shall be under the protection and the ultimate supervision of the State.

The State shall make grants to and shall control all types of athletic associations, as specified by law. The use of grants in accordance with the purpose of the associations receiving them shall also be specified by law.

#### Article 17.

1. Property is protected by the State; rights deriving therefrom, however, may not be exercised contrary to public interest.

2. No one shall be deprived of his property except for the public benefit which must be duly proven, when and as specified by law and always following full compensation corresponding to the value of the expropriated property at the time of the court hearing on the provisional determination of compensation. In cases in which a request for the final determination of compensation is made, the value at the time of the court hearing of the request shall be considered.

3. Any change in the value of expropriated property occurring after publication of the act of expropriation and resulting exclusively therefrom shall not be taken into account.

4. Compensation shall in all cases be determined by civil courts. Such compensation may also be determined provisionally by the court after hearing or summoning the beneficiary, who may be obliged, at the discretion of the court, to furnish a commensurate guarantee for collecting the compensation as provided by law.

Prior to payment of the final or provisional compensation determined by the court, all rights of the owner shall be maintained intact and occupation of the property shall not be allowed.

Compensation in the amount determined by the court must in all cases be paid within one and one-half years at the latest from the date of promulgation of the decision regarding provisional determination of compensation payable and in cases of a direct request for the final determination of compensation, from the date of promulgation of the court ruling, otherwise the expropriation shall be revoked ipso jure. The compensation as such is exempt from any taxes, deductions or rates.

5. Cases of compulsory compensation of the beneficiaries for lost income from expropriated property until the time of payment of the compensation shall be specified by law.

6. In the case of execution of works serving the public benefit or being of a general importance to the economy of the country, a law may allow the expropriation in favour of the State of wider zones beyond the areas necessary for the execution of the works. The same law shall specify the conditions and terms of such expropriation, as well as the matters pertaining to the disposal for public, or public utility purposes in general of areas expropriated in excess of those required.

7. The digging of underground tunnels at the required depth without compensation, may be allowed by law for the execution of works of evident public utility for



the State, public corporate bodies, local government agencies, public utility agencies and public enterprises, on condition that the usual exploitation of the property situated above shall not be hindered.

#### Article 18.

1. The ownership and disposal of mines, quarries, caves, archaeological sites and treasures, mineral, running and underground waters and underground resources in general shall be regulated by special laws.

2. The ownership, exploitation and administration of lagoons and large lakes, as well as the general disposal of areas resulting from the draining of such, shall be regulated by law.

3. Requisitions of property for the needs of the armed forces in case of war or mobilization, or for the purpose of facing an immediate social emergency that may endanger public order or health shall be regulated by special law.

4. Redistribution of agricultural areas for the purpose of exploiting the land more profitably, as well as the adoption of measures to prevent excessive parcelling or to facilitate rehabilitation of small parcelled farm holdings, shall be allowed in accordance with the procedure specified by special law.

5. In addition to the cases specified in the preceding paragraphs, any other required deprivation of the free use and usufruct of property owing to special circumstances may be provided by law. The law shall specify the obliger and the procedure of payment to the obligee of the equivalent for the use or usufruct which must be commensurate to conditions prevailing on each occasion.

Measures imposed in accordance with this paragraph shall be lifted as soon as the special reasons that required them shall have ceased to exist. In case of undue prolongation of the measures, the Council of State shall decide on their revocation, by categories of cases, upon recourse by any person having a legitimate interest.

6. A law may regulate the disposal of abandoned lands for the purpose of revalorizing them to the benefit of the national economy and the rehabilitation of destitute farmers. The same law shall provide for the matters of partial or full compensation of owners, in case of their reappearance within a reasonable time limit.

7. Joint compulsory ownership of adjoining properties in urban areas may be introduced by law if independent rebuilding on the said properties or some of them does not conform with the operative or prospective building regulations in the area.

8. Farmlands belonging to the Patriarchal Monasteries of Aghia Anastasia Pharmacolytria in Chalkidiki, of Vlatadhes in Thessaloniki and Ioannis the Evangelist Theologos in Patmos, but not the dependencies thereof, cannot be subject to expropriation. Likewise the property in Greece of the Patriarchates of Alexandria, Antiocheia and Jerusalem and that of the Holy Monastery of Mount Sinai cannot be subject to expropriation.

#### Article 19.

Secrecy of letters and all other forms of free correspondence or communication shall be absolutely inviolable. The guaranties under which the judicial authority shall not be bound by the secrecy for reason of national security or for the purpose of investigating especially serious crimes, shall be specified by law.

#### Article 20.

1. Every person shall be entitled to receive legal protection by the courts and may plead before them his views concerning his rights or interests, as specified by law.

2. The right of a person to a prior hearing shall also be enforced in any administrative action or measure adopted at the expense of his rights or interests.

#### Article 21.

1. The family, as the foundation of the preservation and the advancement of the Nation, as well as marriage, motherhood and childhood, shall be under the protection of the State.

2. Families with many children, disabled war and peace-time veterans, war victims, war widows and orphans, as well as persons suffering from incurable bodily or mental ailments are entitled to the special care of the State.

3. The State shall care for the health of citizens and shall adopt special measures for the protection of youth, old age, disability and for the relief of the needy.

4. The acquisition of a home by the homeless or those inadequately sheltered shall constitute an object of special State care.

#### Article 22.

1. Work constitutes a right and shall enjoy the protection of the State, which shall seek to create conditions of employment for all citizens and shall pursue the moral and material advancement of the rural and urban working population.

All working people, irrespective of sex or other distinctions, shall be entitled to equal pay for work of equal value rendered.

2. General working conditions shall be determined by law, supplemented by collective labour agreements contracted through free negotiations and, in case of the failure of such, by rules stipulated by arbitration.

3. Any form of compulsory work is prohibited.

Special laws shall determine the requisition of personal services in case of war or mobilization or to face defence needs of the country or urgent social emergencies resulting from disasters or liable to endanger public health, as well as the offer of personal work to local government agencies to satisfy local needs.

4. The State shall care for the social security of the working people, as specified by law.

**Interpretative clause :**

The general working conditions comprise the definition of the manner of collection and the obligation to collect and return to trade unions membership fees, specified in their respective statutes.

**Article 23.**

1. The State shall adopt due measures safeguarding trade union freedom and the unhindered exercise of related rights against any infringement thereon within the limits of the law.

2. Strike constitutes a right to be exercised by lawfully established trade unions in order to protect and promote the financial and the general labour interests of the working people.

Strikes of any nature whatsoever are prohibited in the case of judicial functionaries and those serving in the security corps. The right to strike shall be subject to the specific limitations of the law regulating this right in the case of public servants and employees of local government agencies and of public corporate bodies as well as in the case of the employees of all types of enterprises of a public nature or of public benefit, the operation of which is of vital importance in serving the basic needs of the social entity. These limitations may not be carried to the point of abolishing the right to strike or hindering the legal exercise of this right.

**Article 24.**

1. The protection of the natural and cultural environment constitutes a duty of the State. The State is bound to adopt special preventive or repressive measures for the preservation of the environment. Matters pertaining to the protection of forests and forest expanses in general shall be regulated by law. Alteration of the

use of State forests and State forest expanses is prohibited, except where agricultural development or other uses imposed for the public interest prevail for the national economy.

2. The master plan of the country, and the formation, development, town planning and expansion of towns and residential areas in general shall be under the regulatory authority and the control of the State, in the aim of serving the functionality and the development of settlements and of securing the best possible living conditions.

3. For the purpose of designating an area as residential and of activating its town plans, property included therein must participate, without compensation from the respective agencies, in the disposal of land necessary for the construction of roads, squares and public utility areas in general, and contribute toward the expenses for the execution of basic public town planning works, as specified by law.

4. The law may provide for the participation of property owners of an area designated as residential in the development and general accommodation of that area on the basis of an approved town plan, in exchange for real estate or horizontal storeys of equal value in the parts of such areas that shall finally be designated as suitable for construction or in buildings.

5. The provisions of the preceding paragraphs shall also be applicable in the rehabilitation of existing residential areas. Spaces remaining free after rehabilitation shall be disposed for the creation of common utility areas or shall be sold to cover expenses incurred for the rehabilitation, as specified by law.

6. Monuments and historic areas and elements shall be under the protection of the State. A law shall provide for measures restrictive of private ownership deemed necessary for protection thereof, as well as for the manner and the kind of compensation payable to owners.

#### Article 25.

1. The rights of man as an individual and as a member of the social entity are guaranteed by the State and all agents of the State shall be obliged to ensure their unhindered exercise.

2. Recognition and protection of the fundamental and inalienable rights of man by the State aims at the achievement of social progress in freedom and justice.

3. Abusive exercise of rights is not permitted.

4. The State shall have the right to claim of all citizens to fulfil the duty of social and national solidarity.

### PART THREE

#### ORGANIZATION AND FUNCTIONS OF THE STATE

#### SECTION I.

##### STRUCTURE OF THE STATE

#### Article 26.

1. Legislative power shall be vested in Parliament and the President of the Republic.

2. Executive power shall be vested in the President of the Republic and the Government.

3. Judicial power shall be vested in the courts of law, the decisions of which shall be executed in the name of the Greek People.

#### Article 27.

1. No change in the boundaries of the State can be made without a law passed by the absolute majority of the total number of members of Parliament.

2. Foreign military forces are not acceptable on Greek territory, nor may they remain in or traverse it, except as provided by law passed by the absolute majority of the total number of members of Parliament.

#### Article 28.

1. The generally acknowledged rules of international law, as well as international conventions as of the time they are sanctioned by law and become operative according to the conditions therein, shall be an integral part of domestic Greek law and shall prevail over any contrary provision of the law. The rules of international law and of international conventions shall be applicable to aliens only under the condition of reciprocity.

2. Authorities provided by the Constitution may by treaty or agreement be vested in agencies of international organizations, when this serves an important national interest and promotes cooperation with other States. A majority of three-fifths of the total number of members of Parliament shall be necessary to vote the law sanctioning the treaty or agreement.

3. Greece shall freely proceed by law passed by the absolute majority of the total number of members of Parliament to limit the exercise of national sovereignty, insofar as this is dictated by an important national interest, does not infringe upon the rights of man and the foundations of democratic government and is effected on the basis of the principles of equality and under the condition of reciprocity.

#### Article 29.

1. Greek citizens possessing the right to vote may freely found and join political parties, the organization and activity of which must serve the free functioning of democratic government.

Citizens who have not yet acquired the right to vote may participate in youth sections of parties.

2. The financial support of parties by the State and the publicity of electoral expenses of parties and parliamentary candidates may be provided by law.

3. Activities of any nature whatsoever in favour of political parties by judicial functionaries, the military in general, members of the security corps and public

servants, as well as the active support in favour of a party by employees of public corporate bodies, public enterprises and local government agencies are absolutely prohibited.

## SECTION II THE PRESIDENT OF THE REPUBLIC

### CHAPTER ONE

#### **Election of the President**

##### Article 30.

1. The President of the Republic shall regulate the function of the institutions of the Republic. He shall be elected by Parliament for a term of five years, as specified in article 32 and 33.

2. The office of the President shall be incompatible with any other office, position or function.

3. The presidential tenure commences upon the swearing-in of the President.

4. In case of war, the presidential tenure shall be extended until termination of the war.

5. Re-election of the same person as President is permitted only once.

##### Article 31.

A person to be eligible for election to the presidency must be the descendant of a Greek father, a Greek citizen for at least five years, have attained the age of forty and be legally entitled to vote.

##### Article 32.

1. The President of the Republic shall be elected by Parliament through secret ballot in a special session called for the purpose by the Speaker at least one month before the expiration of the tenure of the incumbent President, as specified by the Standing Orders.



In case of permanent incapacity of the President of the Republic to discharge his duties as specified in paragraph 2 of article 34, as well as in case of his resignation, death, or removal from office in accordance with the provisions of the Constitution, Parliament shall be assembled to elect a new President within ten days at the latest from the premature termination of the tenure of office by the previous President.

2. The election of a President shall in all cases be made for a full term.

3. The person receiving a two-thirds majority of the total number of members of Parliament shall be elected President of the Republic.

In the event of the said majority not being attained, the ballot shall be repeated after five days.

Should the second ballot fail to attain the required majority, the ballot shall once more be repeated after five days; the person receiving a three-fifths majority of the total number of members of Parliament shall be elected President of the Republic.

4. Should the third ballot fail to attain the said increased majority, Parliament shall be dissolved within ten days and elections for a new Parliament shall be called. The relative decree shall be signed only by the incumbent President of the Republic and if such does not exist by the Speaker in his capacity as acting President.

As soon as Parliament thus elected shall have convened as a body, it shall proceed through secret ballot to elect the President of the Republic by a three-fifths majority of the total number of members of Parliament.

Should the said majority not be attained, the ballot shall be repeated within five days and the person receiving the absolute majority of the votes of the total number of members of Parliament shall be elected President of the Republic. Should this majority also not be attained, the ballot shall once more be repeated after five days between the two persons with the highest number of votes and the person receiving a relative

*abolished*

majority shall be deemed elected President of the Republic.

5. Should Parliament be absent, a special session shall be convened to elect the President of the Republic, as specified in paragraph 4.

In the event of a dissolution in whatever way of Parliament, the election of the President of the Republic shall be postponed until the new Parliament shall have been constituted as a body and within twenty days at the latest thereof, as specified in paragraphs 3 and 4 and in adherence with the provisions of paragraph 1 of article 34.

6. Should the procedure specified under the preceding paragraphs for the election of a new President not be completed in time, the incumbent President of the Republic shall continue the discharge of his duties even after his term of office has expired, until a new President of the Republic is elected.

**Interpretative clause :**

A President of the Republic who has resigned prior to the expiration of his tenure may not be a candidate in the elections resulting from his resignation.

**Article 33.**

1. The President-elect shall enter office on the day following the expiration of the term of the outgoing President or, in all other cases, on the day following his election.

2. Before entering office, the President of the Republic shall take the following oath before Parliament :

«I do swear in the name of the Holy and Consubstantial and Indivisible Trinity to guard the Constitution and the laws, to provide for faithful observance thereof, to defend the national independence and territorial integrity of the Country, to protect the rights and freedoms of the Greeks and to serve the general interests and progress of the Greek People».

3. A law shall provide for the civil list of the President of the Republic and the functioning of services necessary for the discharge of his duties.

#### Article 34.

1. Should the President of the Republic be absent abroad for more than ten days, or be deceased or resign or be removed from office or be incapable on any ground for the discharge of his duties, he shall be temporarily replaced by the Speaker of Parliament; or if there is no Parliament, by the Speaker of the preceding Parliament and, should the latter refuse or not exist, by the Government collectively.

During the term of the substitution of the President, the provisions concerning the dissolution of Parliament shall not be applicable except in the case specified in article 32 paragraph 4, as well as the provisions relating to the dismissal of the Government and recourse to a referendum as specified in article 38 paragraph 2 and article 44 paragraph 2.

2. Should the incapacity of the President of the Republic to discharge the duties of his office be prolonged for a period exceeding thirty days, Parliament is compulsorily convoked even if it has been dissolved, for the purpose of resolving, by a three-fifths majority of the total number of its members, if the situation calls for the election of a new President. In no case however may the election of a new President of the Republic be delayed for more than six months from the commencement of his replacement due to his incapacity.

## CHAPTER TWO

### **Powers and liability from the acts of the President.**

#### Article 35.

1. No act of the President of the Republic shall become operative nor be executed unless it has been countersigned by the competent Minister who, by his signature



alone shall be rendered responsible, and unless it has been ~~published in the Government Gazette.~~

If the Government ~~has been dismissed and the Prime Minister has not countersigned the relative~~ decree, it shall be countersigned by the new Prime Minister.

2. By exception, the following acts exclusively shall not require countersignature :

- a) The appointment of the Prime Minister.
- b) The convocation of the Cabinet under his chairmanship, in accordance with the provisions of article 38 paragraph 3.
- c) The convocation of the Council of the Republic.
- d) The return to Parliament of a bill or a law proposal it has voted in accordance with article 42 paragraph 3.
- e) The powers specified in article 32 paragraph 4, article 37 paragraph 3, article 41 paragraphs 1 and 4 and article 44 paragraph 2.
- f) The messages addressed to the nation under totally exceptional circumstances, in accordance with paragraph 3 of article 44.
- g) The staff appointments to the administrative services of the Presidency of the Republic.

#### Article 36.

1. The President of the Republic complying absolutely to the provisions of article 35 paragraph 1, shall represent the State internationally, declare war, conclude treaties of peace, alliance, economic co-operation and participation in international organizations or unions and he shall announce them to Parliament with the required explanations whenever the interest and the security of the State thus allow.

2. Agreements concerning trade, taxation, economic cooperation and participation in international organizations or unions and any others containing concessions for which, according to this Constitution, no provision can be made without a law or which may overburden

the Greeks as individuals, shall not be operative without ratification by a law passed by Parliament.

3. Secret articles of a treaty may in no case reverse the open ones.

4. The ratification of international treaties may not be the object of legislative authorization as specified in article 43 paragraphs 2 and 4.

#### Article 37.

1. The President of the Republic shall appoint the Prime Minister and on his recommendation shall appoint and dismiss the other members of the Government and the Undersecretaries.

2. The leader of the party having the absolute majority of seats in Parliament shall be appointed Prime Minister. If the party has no leader or if its leader has not been elected to Parliament or if there is no party spokesman, the Prime Minister shall be appointed after the parliamentary group elects a leader, not later than within five days after the Speaker shall have announced to the President of the Republic the parliamentary strength of the parties.

3. If no party has the absolute majority of parliamentary seats, the President of the Republic shall assign to the leader of the party with a relative majority an exploratory mandate to ascertain the possibility of forming a government enjoying the confidence of Parliament, as specified in the preceding paragraph.

4. If this is not achieved, the President of the Republic may assign a new exploratory mandate to the leader of the second largest party in Parliament or he may appoint as Prime Minister, after consulting with the Council of the Republic, a person who may or may not be a member of Parliament and who shall be able, in his opinion, to obtain a vote of confidence in Parliament.

The President of the Republic may grant a Prime Minister thus appointed the right to dissolve Parliament for the purpose of holding elections.

#### Article 38.

1. The President of the Republic shall relieve the Prime Minister of his duties upon his resignation or if the Government loses the confidence of Parliament, as specified in article 84.

In such cases, the mandate to form a new Government shall be assigned to a member of Parliament who must request a vote of confidence as specified in article 84, or to a person who may or may not be a member of Parliament, for the purpose of dissolving Parliament immediately and of holding elections.

2. The President of the Republic may dismiss the Government after consulting with the Council of the Republic, the second section of the preceding paragraph being further applied.

3. The President of the Republic may under extraordinary circumstances summon the Cabinet under his chairmanship.

#### Article 39.

1. The President of the Republic shall summon the Council of the Republic to a meeting under his chairmanship in the cases specifically provided by the Constitution. He shall likewise summon it in every other national circumstance he deems to be serious.

2. The Council of the Republic shall be constituted of democratically elected former Presidents of the Republic, the Prime Minister, the Speaker of Parliament, the leader of the Parliamentary opposition, and former Prime Ministers who have been members of Parliament or who headed governments having received a vote of confidence by Parliament.

#### Article 40.

1. The President of the Republic shall convene Parliament to a regular session once a year as specified in article 64 paragraph 1 and to an extraordinary session

whenever he shall judge this to be reasonable, and he shall proclaim the commencement and termination of each parliamentary term in person or through the Prime Minister.

2. The President of the Republic may suspend a parliamentary session only once, either by postponing its commencement or adjourning it.

3. Suspension of a session may not be extended beyond a period of thirty days, nor may such suspension be repeated during the same session without the consent of Parliament itself.

#### Article 41.

1. The President of the Republic may dissolve Parliament after consulting with the Council of the Republic if Parliament is in obvious discord with the public sentiment or if its composition does not ensure governmental stability.

2. The President of the Republic may dissolve Parliament on the proposal of a Government that has received a vote of confidence, for the purpose of renewing the popular mandate in view of dealing with a national issue of exceptional importance.

*abolished*

~~3. The decree concerning the dissolution of Parliament countersigned in the case of the preceding paragraph by the cabinet must contain a proclamation of elections within thirty days and the convocation of the new Parliament within thirty days of the elections.~~

4. A Parliament elected following the dissolution of the previous one may not be dissolved before the lapse of one year from its opening session except in the case of Parliament having voted down two Governments. Prior to signing the decree, the President of the Republic shall consult with the Council of the Republic. Parliament cannot be dissolved twice for the same reason.

5. Dissolution of Parliament shall be compulsory in the case specified in article 32 paragraph 4.

Article 42.

1. The President of the Republic shall sanction, promulgate and publish the laws passed by Parliament within one month of the vote.

2. The President of the Republic may, within the time-limit stipulated in the preceding paragraph, send back a bill passed by Parliament, stating his reasons for not sanctioning the bill.

3. A bill or a law proposal passed by Parliament and sent back by the President of the Republic shall be introduced to the plenary sitting and if it is passed again by the absolute majority of the total number of members, following the procedure of article 76 paragraph 2, the President of the Republic shall be bound to sanction, promulgate and publish it within ten days of the second vote.

Article 43.

1. The President of the Republic shall issue the decrees required for the execution of laws; he may never suspend the application of laws nor exempt anyone from their execution.

2. On the proposal of the competent Minister, the issuance of regulatory decrees, shall be permitted by virtue of special authorization by law and within the limits of such authorization. Authorization for the purpose of issuing regulatory acts by other administrative agents shall be permitted in cases concerning the regulation of specific matters or matters of local interest or of a technical and detailed nature.

3. The President of the Republic shall issue organizing decrees for the purpose of regulating matters pertaining exclusively to the internal structure and functioning of State services and public agencies; such decrees may under no circumstances increase the number of personnel or alter the grade structure thereof. Such organizing decrees shall be issued after consultation with a highest committee, constituted in a proportion

*abolished*



of at least two-thirds of judicial functionaries, as provided by law.

~~4. Under laws passed by the plenary sitting of Parliament, authorization may be granted for the issuance of regulatory decrees for the regulation of matters specified by such laws. These laws shall outline the general principles and directives of the regulation to be followed and shall set time-limits within which the authorization must be used.~~

~~5. Matters which, as specified in article 72 paragraph 1, pertain to the authority of the plenary sitting of Parliament cannot be the object of authorization as specified in the preceding paragraph.~~

#### Article 44.

~~1. Under extraordinary circumstances of an urgent and unforeseeable nature, the President of the Republic may, on the proposal of the Cabinet, issue acts of legislative content. Such acts shall be submitted to Parliament for ratification, as specified in the provisions of article 72 paragraph 1, within forty days of their issuance or within forty days from the convocation of a parliamentary session. Should such acts not be submitted to Parliament within the above time-limits or if they should not be ratified by Parliament within three months of their submission, they will henceforth cease to be operative.~~

~~2. The President of the Republic may by decree proclaim a referendum on crucial national issues.~~

~~3. The President of the Republic shall, under totally exceptional circumstances, address messages to the nation, which shall be published in the Government Gazette.~~

#### Article 45.

The President of the Republic is the head of the Nation's Armed Forces, the command of which shall be exercised by the Government, as specified by law. The

President shall confer ranks on those serving therein, as specified by law.

Article 46.

1. The President of the Republic shall appoint and dismiss public servants, in accordance with the law, except in cases specified by law.

2. The President of the Republic shall confer the established decorations in accordance with the provisions of relevant laws.

Article 47.

1. The President of the Republic shall have the right, on a recommendation by the Minister of Justice and after consulting with a council composed in its majority of judges, to grant pardons, to commute or reduce sentences pronounced by the courts, and to revoke all consequences at law of sentences pronounced and served.

2. The President of the Republic shall only with the consent of Parliament have the right to grant pardon to a Minister convicted as provided in article 86.

3. Amnesty may be granted only for political crimes by presidential decree issued on the recommendation of the Cabinet. *law voted by the 2/3 of the*

4. Amnesty for common crimes may not be granted even by law.

*members of  
the Parliament*

Article 48.

1. The President of the Republic may suspend throughout the State or in part of it, the operation of the provisions of article 5 paragraph 4, articles 6, 8, 9, 11, 12 paragraphs 1 to 4, articles 14, 19, 22, 23, 96 paragraph 4 and article 97 or some of these articles, may put into effect the law on the state of siege in force at the time and establish extraordinary tribunals:

in case of war or mobilization owing to external dangers, by presidential decree countersigned by the Cabinet, and in case of serious disturbance or evident threat against public order and the security of the State arising from internal dangers, by presidential decree countersigned by the Prime Minister. This law may not be amended during its application

2. The President of the Republic may, as of the issuance of the presidential decree and under the same conditions, furthermore take all necessary legislative or administrative measures required to meet the situation and to restore, as soon as possible, the operation of constitutional institutions.

3. The presidential decree issued as specified in paragraph 1 shall, if not revoked at an earlier date by similar decree, be lifted ipso jure in the case of war as of the termination of the war, in all other cases thirty days after its publication, unless its operation has been extended beyond thirty days by a presidential decree issued with the prior consent of Parliament. Such a resolution by Parliament requires the absolute majority of the members present, as specified in article 67.

4. Should the presidential decree specified in paragraph 1 be issued in the absence of Parliament, it shall be convened regardless of whether the parliamentary term has ended or Parliament has been dissolved, and shall remain in session until the termination of the time-limit specified in the preceding paragraph for the purpose of resolving on the extension of the operation of the above decree.

5. As of the publication of the presidential decree specified in paragraph 1 and throughout the duration of its operation parliamentary privilege as specified in article 62 shall be in effect, regardless of whether Parliament has been dissolved or its term has ended.

## CHAPTER THREE

### Special Liabilities of the President of the Republic

#### Article 49.

1. The President of the Republic shall in no case be held liable for any acts performed in the course of the discharge of his duties, except only for high treason or intended violation of the Constitution. For acts not related to the discharge of his duties, prosecution shall be suspended until the expiration of the presidential term.

2. A proposal to bring charges against and impeach the President of the Republic shall be submitted to Parliament signed by at least one-third of its members and shall require for its adoption a resolution by two-thirds majority of the total number of its members.

3. If the proposal is adopted, the President of the Republic shall be arraigned before the court specified in article 86, the provisions of which shall be accordingly applicable in this case.

4. As of his arraignment the President of the Republic shall abstain from the discharge of his duties, and shall be replaced as specified in article 34. He shall resume his duties if his term has not expired, as of the issuance of his acquittal by the court specified in article 86.

5. The implementation of the provisions of the present article shall be provided by law enacted by Parliament in a plenary sitting.

#### Article 50.

The President of the Republic shall have no functional powers other than those explicitly conferred upon him by the Constitution and the laws concurrent herewith.

## SECTION III

### PARLIAMENT

#### CHAPTER ONE

##### Election and Composition of Parliament

###### Article 51.

1. The number of the members of Parliament shall be specified by law; it cannot, however, be below two hundred or over three hundred.

2. The members of Parliament represent the Nation.

3. The members of Parliament shall be elected through direct, universal and secret ballot by citizens who have the right to vote, as specified by law. The law cannot abridge the right to vote except in cases where minimum voting age has not been attained or in cases of legal incapacity or as a result of irrevocable criminal conviction for certain felonies.

4. Parliamentary elections shall be held simultaneously throughout the State.

Matters pertaining to the exercise of the right to vote by persons living outside Greek territory may be specified by law.

5. Exercise of the right to vote shall be compulsory. Exceptions and penalties shall be specified each time by law.

###### Article 52.

The free and unfalsified expression of the popular will as an expression of popular sovereignty, shall be guaranteed by all State officers who shall be obliged to ensure such under all circumstances. Penalties for violations of this provision shall be specified by law.

###### Article 53.

1. Members of Parliament shall be elected for a term of four consecutive years, commencing on the day of general elections. Upon expiration of the parliamentary

term. the holding of general parliamentary elections within thirty days and the convocation of the new Parliament in regular session within the next thirty days shall be proclaimed by presidential decree countersigned by the Cabinet.

2. A parliamentary seat that has become vacant during the last year of a parliamentary term shall not be filled by a by-election, where such is required by law, as long as the number of vacant seats does not exceed one-fifth of the total number of members.

3. In case of war. the parliamentary term shall be extended for the entire duration thereof. If Parliament has been dissolved, elections shall be postponed until the termination of the war and the dissolved Parliament shall be recalled ipso jure until that time.

#### Article 54.

1. The electoral system and constituencies shall be specified by law.

2. The number of members elected to each constituency shall be specified by presidential decree on the basis of the legal population thereof as it appears in the latest census.

3. Part of Parliament, comprising not more than one twentieth of the total number of its members, may be elected uniformly throughout the State, in proportion to the total electoral strength of each party within Greek territory as specified by law.

## CHAPTER TWO

### **Disqualifications and Incompatibilities for Members of Parliament.**

#### Article 55.

1. To be eligible for election, a parliamentary candidate must be a Greek citizen, have the legal capacity to vote and have attained the age of twenty-five years on the day of election.

2. A member of Parliament deprived of any of the above qualifications shall forfeit his parliamentary office ipso jure.

#### Article 56.

1. Salaried civil functionaries and servants or officers of the armed forces and the security corps, employees of local government agencies or other public corporate bodies, mayors and community presidents, governors or chairmen of administrative boards of public corporate bodies or of public or community enterprises, notaries public, registrars of mortgages and transfers may neither stand for election nor be elected to Parliament if they have not resigned from the said offices prior to their nomination. Such resignations shall be valid upon written submission thereof. Military officers who have resigned may under no circumstances return to active service; the return of civil functionaries and servants to their posts is prohibited prior to the lapse of one year from their resignation.

2. Professors of institutions of university level are exempt from the restrictions of the preceding paragraph. The exercise of the duties of professor shall be suspended for the duration of the parliamentary term and the manner of replacement of professors elected to Parliament shall be specified by law.

3. Salaried civil servants, military officers on active service and officers of the security corps, employees of public corporate bodies in general, and governors and employees of public and community enterprises or public welfare institutions may not stand for election nor be elected to Parliament in any constituency in which they have served for more than three months in the three years preceding elections. Persons who have served as secretaries general of ministries during the last six months of the four-year parliamentary term shall be subject to the same restrictions. Persons nominated as State Deputies and lower personnel of central

State services shall not be subject to the same restrictions.

4. Civil servants and the military in general, having undertaken the obligation by law to remain in service for a certain period of time, may not stand for election nor be elected to Parliament during the period of such obligation.

#### Article 57.

1. The duties of members of Parliament shall be incompatible with the duties or the capacity of members of the board of directors, governor, director general or their alternates, or those of employees of business concerns or enterprises enjoying special privileges or subsidies by the State, or a public corporation receiving concessions.

2. Members of Parliament falling within the provisions of the preceding paragraph must, within eight days of the day on which their election becomes final, state their choice between their parliamentary office and the above stated duties. Failing to make the said statement within the set limit, they shall forfeit their parliamentary office ipso jure.

3. Members of Parliament who accept any of the functions or duties specified in this or the preceding article as constituting a disqualification for parliamentary candidates or as incompatible with the parliamentary office shall forfeit that office ipso jure.

4. Members of Parliament may not undertake commissions, studies, or the execution of works for the State, local government agencies or other public corporate bodies or of public or municipal enterprises or leases of public or municipal taxes or rent real estate owned by the aforementioned bodies or accept any form of concessions on real estate. Violators of the provisions of the present paragraph shall forfeit their parliamentary office and related acts shall be null and void. Such acts shall also be null and void when originating from business concerns or enterprises



in which the member of Parliament acts as director or administrative or legal counsellor or if he participates as a partner with full or limited liability.

5. The manner of continuation or transfer or dissolution of contracts for the execution of works and studies specified in paragraph 4 and undertaken by a member of Parliament before his election, shall be specified by law.

#### Article 58

1. The examination and trial concerning parliamentary elections the validity of which have been controverted either for violations in the manner in which they were conducted or for lack of legal qualifications is assigned to the Special Court specified in article 100.

### CHAPTER THREE

#### Duties and Rights of Members of Parliament.

#### Article 59.

1. Before undertaking the discharge of their duties, members of Parliament shall take the following oath in the Chamber and in public sitting.

«I swear in the name of the Holy Consubstantial and Indivisible Trinity to guard faith in my Country and in the democratic form of government, obedience to the Constitution and the laws and to discharge conscientiously my duties».

2. Members of Parliament who are of a different religion or creed shall take the same oath modified to the form of their own religion or creed.

3. Members of Parliament declared elected in the absence of Parliament shall take the oath in the Session in session.

#### Article 60

1. Members of Parliament shall have the unrestricted

right to hold an opinion and to vote according to their conscience.

2. Members of Parliament shall have the right to resign from the Parliamentary office by submitting a written resignation to the Speaker of Parliament; the resignation shall be irrevocable.

#### Article 61

1. A member of Parliament shall not be prosecuted or in any way subjected to inquiry for an opinion expressed or a vote cast by him in the discharge of his parliamentary duties.

2. Only in the case of libel may a member be prosecuted after leave has been granted by Parliament. The Court of Appeals shall be competent for the trial. Such leave is deemed to be conclusively denied if Parliament does not decide within forty-five days from the date the charges have been brought to the Speaker. In case of refusal to grant leave or if the time-limit lapses without action, no charge can be brought for the act committed by the member of Parliament.

This paragraph shall be applicable as of the next parliamentary session.

3. A member of Parliament shall not be liable to testify on information given to him or supplied by him in the course of the discharge of his duties, or on the persons who entrusted the information to him or to whom he supplied such information.

#### Article 62.

During a parliamentary term members of Parliament shall not be prosecuted, arrested, imprisoned or otherwise confined without prior leave granted by Parliament. Likewise, a member of a dissolved Parliament shall not be prosecuted for political crimes during the period between the dissolution of Parliament and the declaration of election of members of the new Parliament.

Leave shall be deemed not granted if Parliament does not decide within three months of the date the

request for prosecution by the public prosecutor was submitted to the Speaker.

The three month limit shall be suspended during the recess of Parliament.

No leave is required for members of Parliament in cases where they have been caught in the act.

#### Article 63.

1. Members of Parliament shall be entitled to receive compensation and expenses from the Public Treasury for the discharge of their duties; the amount of both shall be determined by Parliament in plenary session.

2. Members of Parliament shall enjoy exemption from transportation, postal and telephone charges, the extent of which shall be determined by decision of Parliament in plenary session.

3. In case of unjustified absence of a member for more than five sittings per month, one-thirtieth of his monthly compensation shall be withheld for each absence.

### CHAPTER FOUR

#### Organization and Function of Parliament.

#### Article 64.

1. Parliament shall convene, ipso jure, on the first Monday of the month of October of each year in regular session to conduct its annual business, unless it has been convened at an earlier date by the President of the Republic, in accordance with Article 40.

2. The duration of a regular session shall not be shorter than five months, not including the time of suspension specified in Article 40.

A regular session shall be compulsorily extended until the budget is authorized in accordance with article 79 or until the special law provided in the same article is passed.

#### Article 65.

1. Parliament shall determine the manner of its free and democratic operation by adopting its own Standing Orders; these shall be adopted in plenary session as specified in Article 76 and shall be published in the Government Gazette on the order of the Speaker.

2. Parliament shall elect from among its Members the Speaker and the members of the Standing Committee as provided by the Standing Orders.

3. The Speaker and Deputy Speakers shall be elected at the beginning of each parliamentary term.

This provision shall not apply to the Speaker and Deputy Speakers elected by the first session of the Fifth Revisionary Parliament.

On a recommendation by fifty members Parliament may reprimand the Speaker or a member of the Standing Committee thus causing the termination of his tenure.

4. The Speaker directs the business of Parliament; he endeavours to ensure the unhindered conduct of business, safeguards the free opinion and expression of members and the maintenance of order. He is entitled to resort even to disciplinary measures against a member misbehaving as specified by the Standing Orders.

5. A scientific service to Parliament may be established through the Standing Orders to assist Parliament in its legislative work.

6. The Standing Orders shall determine the organization of the services of Parliament under the supervision of the Speaker; all matters concerning its staff shall likewise be regulated. Acts of the Speaker concerning the appointment and the professional status of the staff of Parliament shall be subject to recourse or petition for annulment addressed to the Council of State.

#### Article 66.

1. Parliament shall hold public sittings in the Chamber, but it may hold debates in private sitting upon

request of the Government or fifteen members, if the majority so resolves at a secret meeting. Thereafter Parliament shall resolve whether the debate on the same subject shall be repeated in public sitting.

2. Ministers and Undersecretaries shall be free to attend the sittings of Parliament and shall be heard whenever they request the floor.

3. Parliament and parliamentary committees may request Ministers or Undersecretaries to be present at debates of matters pertaining to their departments.

Parliamentary committees are entitled to invite, through the competent Minister, any public officer considered useful in conducting their business.

#### Article 67.

1. Parliament cannot resolve without an absolute majority of the members present, which in no case may be less than one-fourth of the total number of members.

In the case of a tie vote, the vote shall be repeated; in the case of a second tie the proposal shall be rejected.

#### Article 68.

1. At the beginning of each regular session, Parliament shall set up committees composed of members of Parliament for the study and examination of bills and law proposals within the jurisdiction of Parliament in plenary session and of its Sections.

2. Parliament shall set up investigation committees from among its members by a majority resolution of two-fifths of the total number of members, on the proposal of one-fifth of the total number of members.

A parliamentary resolution adopted by the absolute majority of the total number of members shall be required in order to set up investigation committees on matters related to foreign policy and national defence.

Details pertaining to the composition and operation of such committees shall be provided by the Standing Orders.

3. Parliamentary and investigation committees, as well as Sections of Parliament specified in articles 70 and 71 shall be established in proportion to the strength of parties, groups and independents, as specified by the Standing Orders.

Article 69.

No person shall present himself without being summoned to Parliament to make an oral or written report. Reports shall be presented through a member or shall be delivered to the Speaker. Parliament shall have the right to forward any reports addressed thereto to the Ministers and Undersecretaries who shall be obliged to furnish explanations when so requested.

Article 70.

1. Parliament shall conduct its legislative business in plenary session.

2. The Standing Orders shall provide for the exercise of the legislative business specified therein to be conducted also by Sections, which are not to exceed two, subject to the restrictions of article 72. The composition and operation of Sections shall be resolved at the beginning of each session by the absolute majority of the total number of members of Parliament.

3. The Standing Orders shall likewise determine by Ministries the distribution of competence among the Sections.

4. Unless otherwise stated, the provisions of the Constitution concerning Parliament shall be applicable to its operation either in plenary session or by Sections.

5. The adoption of a resolution by a Section shall require a majority of not less than two-fifths of the number of members in the Section.

6. Parliamentary control shall be exercised in plenary session at least twice each week, as specified by the Standing Orders.

#### Article 71.

When Parliament is in recess, its legislative business, with the exception of legislative acts within the jurisdiction of the Plenum as specified in article 72, shall be conducted by a Section of Parliament, established and operating as specified in article 68 paragraph 3 and article 70.

The Standing Orders may provide for the examination of bills and law proposals by a Parliamentary Committee composed of members of the same Section.

#### Article 72.

1. Parliament in full session debates and votes on its Standing Orders, on bills and law proposals pertaining to the election of members of Parliament, on the subjects of articles 3, 13, 27, 28 and 36 paragraph 1, on the exercise and protection of individual rights, on the operation of political parties, on the granting of legislative power according to article 43 paragraph 4, on the liability of Ministers, on the state of siege, on the civil list of the President of the Republic and on the authentic interpretation of the laws according to article 77 and on every other matter referred to Parliament in full session by special provision of the Constitution or on matters for the provision of which a special majority is required.

Parliament in full session shall also authorize the budget and the financial statement of the State and of Parliament.

2. Debates and votes in principle, by article and as a whole on all other bills or law proposals may be assigned to a Section of Parliament, as specified in Article 70.

3. A Section assuming the voting of a bill or law proposal shall have the power to resolve definitely on its competence and is entitled to refer any dispute over its competence to the Plenum, by resolution adopted by the absolute majority of the total number of its

members. A decision of the Plenum shall be binding on the Sections.

4. The Government may introduce a bill of major importance for debate and voting in plenary session instead of the Sections.

5. The Plenum of Parliament may demand, by decision adopted by the absolute majority of the total number of members, that a bill or law proposal pending before a Section may be debated and passed in principle, by article, and as a whole by the full assembly.

## CHAPTER FIVE

### THE LEGISLATIVE FUNCTION OF PARLIAMENT

#### Article 73.

1. The right to propose laws shall be vested in Parliament and the Government.

2. Bills pertaining in any way to the granting of pension and the requisites thereof shall be submitted only by the Minister of Finance after consulting with the Controller's Council; in the case of pensions chargeable to the budget of local government agencies or other public corporate bodies, bills shall be submitted by the competent Minister and the Minister of Finance. Such pensions must be the subject of separate bills; the insertion of provisions pertaining to pensions in bills designed to provide for other matters is not permitted and is punishable by invalidity.

3. No law proposal or amendment or addition which originated in Parliament shall be introduced for debate if it incurs for the State or local government agencies or other public corporate bodies an expenditure or a reduction of revenues or assets for the purpose of paying a salary or pension or otherwise benefiting a person.

4. However, an amendment or addition introduced by a party leader or a spokesman of a parliamentary group as specified in article 74 paragraph 3



Article 65.

1. Parliament shall determine the manner of its free and democratic operation by adopting its own Standing Orders; these shall be adopted in plenary session as specified in Article 76 and shall be published in the Government Gazette on the order of the Speaker.

2. Parliament shall elect from among its Members the Speaker and the members of the Standing Committee as provided by the Standing Orders.

3. The Speaker and Deputy Speakers shall be elected at the beginning of each parliamentary term.

This provision shall not apply to the Speaker and Deputy Speakers elected by the first session of the Fifth Revisionary Parliament.

On a recommendation by fifty members Parliament may reprimand the Speaker or a member of the Standing Committee thus causing the termination of his tenure.

4. The Speaker directs the business of Parliament; he endeavours to ensure the unhindered conduct of business, safeguards the free opinion and expression of members and the maintenance of order. He is entitled to resort even to disciplinary measures against a member misbehaving as specified by the Standing Orders.

5. A scientific service to Parliament may be established through the Standing Orders to assist Parliament in its legislative work.

6. The Standing Orders shall determine the organization of the services of Parliament under the supervision of the Speaker; all matters concerning its staff shall likewise be regulated. Acts of the Speaker concerning the appointment and the professional status of the staff of Parliament shall be subject to recourse or petition for annulment addressed to the Council of State.

Article 66.

1. Parliament shall hold public sittings in the Chamber, but it may hold debates in private sitting upon

*repetition  
by mistake*

shall be acceptable in the case of bills concerning the organization of public services and agencies of public interest, the general status of public servants, military and security corps officers, employees of local government agencies or other public corporate bodies and public enterprises in general.

5. Bills introducing local or special taxes or charges of any nature on behalf of agencies or public or private corporate bodies must be countersigned by the Minister of Coordination and the Minister of Finance.

#### Article 74.

1. Every bill or law proposal must be accompanied by a justification report; before it is introduced in plenary session or to a Section of Parliament; it may be referred, for legislative elaboration, to the service defined in article 65 paragraph 5 as soon as this service is established, as specified by the Standing Orders.

2. Bills and law proposals tabled in Parliament shall be referred to the appropriate Parliamentary Committee. When the report has been submitted or when the time-limit for its submittal has elapsed inactively, the bill or law proposal shall be introduced for debate to Parliament after three days, unless it has been designated as urgent by the competent Minister. The debate shall begin following an oral introduction by the competent Minister and the rapporteurs of the committee.

3. Amendments to bills and law proposals submitted by members of Parliament which fall under the jurisdiction of the Plenum or a Section of Parliament shall not be introduced for debate if they have not been submitted up to and including the day prior to the commencement of the debate, unless the Government consents to such a debate.

4. A bill or law proposal in amendment of a provision of a law shall not be introduced for debate if the accompanying justification report does not contain the full text of the provision to be amended and if the text

of the bill or proposal does not contain the full text of the new provision as amended.

5. A bill or law proposal containing provisions not related to its main subject matter shall not be introduced for debate.

No addition or amendment shall be introduced for debate if it is not related to the main subject matter of the bill or law proposal.

Parliament shall resolve in case of contestation.

6. Once every month, on a day designated by the Standing Orders, pending law proposals shall be entered by priority in the order of the day and debated.

#### Article 75.

1. Any bill or law proposal incurring a charge on the Budget which has been submitted by Ministers shall not be introduced for debate unless it is accompanied by a report of the General Accounting Office specifying the amount of the expenditure involved; if it has been submitted by members of Parliament prior to any debate thereon it shall be forwarded to the General Accounting Office which shall be bound to submit a report within fifteen days. Should this time-limit elapse without action the bill or the law proposal shall be introduced for debate without it.

2. The same shall be applicable in the case of amendments, if so requested by the competent Ministers. In this case, the General Accounting Office shall be bound to submit its report to Parliament within three days; only if the report shall not be forthcoming within this time-limit may the amendment be debated without it.

3. A bill incurring an expenditure or a reduction of revenues shall not be introduced for debate unless it is accompanied by a special report specifying the manner in which the charge involved shall be covered, signed by the competent Minister and the Minister of Finance.

## Article 76.

1. Every bill and every lawproposal introduced before the Plenum or the Sections of Parliament shall be debated and voted on once in principle, by article and as a whole.

2. Exceptionally, bills and law proposals shall be debated and voted on by the Plenum of Parliament twice and in two sittings, at least two days apart; in principle and by article during the first debate, and by article and as a whole during the second, if this should be requested, prior to the debate on the principle, by one-third of the total of members.

3. If in the course of debate amendments have been proposed and accepted, voting on the bill or law proposal as a whole shall be postponed for twenty-four hours from the time the amended bill or law proposal was distributed.

4. A bill or law proposal designated as very urgent by the Government shall be introduced for voting after a limited debate among the rapporteurs involved, the Prime Minister or the competent Minister, the leaders of parties represented in Parliament and one spokesman for each party. The duration of speeches and the time for the debate may be limited by the Standing Orders.

5. The Government may request that a bill or law proposal of special importance or of an urgent nature be debated in a specific number of sittings, not to exceed three. Parliament may prolong the debate through two additional sittings on the proposal of one-tenth of the total of members. The duration of each speech shall be specified by the Standing Orders.

6. Judicial or administrative codes drafted by special committees established under special laws may be passed in a plenary session of Parliament by a special law ratifying the code as a whole.

7. Likewise, law provisions in force may be codified by simple classification, or repealed laws may be reenacted with the exception of tax laws.

8. A bill or law proposal rejected by the plenum or a Section of Parliament shall not be introduced anew in the same session or to the Section functioning after the end of the session.

Article 77.

1. The authentic interpretation of the laws shall rest with the legislative power.

2. A law which is not truly interpretative shall enter into force only as of its publication.

CHAPTER SIX

**Tax and Fiscal Administration**

Article 78.

1. No tax shall be levied without a law enacted by Parliament, specifying the subject of taxation and the income, the type of property, the expenses and the transactions or categories thereof to which the tax pertains.

2. A tax or any other financial charge may not be imposed by a retroactive law effective prior to the fiscal year preceding the imposition of the tax.

3. Exceptionally, in the case of imposition or increase of an import or export duty or a consumer tax, collection thereof shall be permitted as of the date on which the bill shall be tabled in Parliament, on condition that the law shall be published within the time-limit specified in article 42 paragraph 1, and in any case not later than ten days from the end of the Parliamentary session.

4. The object of taxation, the tax rate, the tax abatements and exemptions and the granting of pensions may not be delegated by legislative authorization.

This prohibition does not preclude legislative provision of the manner of assessing the share of the State or public agencies in general in the automatic increase on value of private real estate property adjoining the site

of construction of public works and resulting exclusively therefrom.

5. Exceptionally, the imposition by way of authorization by frame laws of balancing or counteractive charges or duties, and the imposition, within the framework of the country's international relations to economic organizations, of economic measures or of measures concerning the safeguarding of the country's foreign exchange position shall be permitted.

#### Article 79.

1. In the course of its ordinary annual session Parliament shall vote on the State Budget of revenues and expenditures for the following year.

2. All State revenues and expenditures must be entered in the annual budget and financial statement.

3. The budget shall be laid before Parliament by the Minister of Finance at least one month before the beginning of the fiscal year: it shall be authorized as specified by the Standing Orders, which also shall ensure the right of every political section in Parliament to express its views.

4. Should the administration of revenues and expenditures as provided in the budget prove inoperative, they shall be administered in accordance with a special law to be enacted as the circumstances may require.

5. Should it be impossible to authorize the budget or to pass the special law defined in the preceding paragraph due to the end of the Parliamentary term, the effectiveness of the budget for the fiscal year just ended or ending shall be extended for four months by decree issued on the recommendation of the Cabinet.

6. The practice of drafting budgets for bi-annual fiscal periods may be established by law.

7. The financial statement and general balance sheet of the State shall be laid before Parliament not later than one year from the end of each fiscal year; these shall be examined by a special parliamentary committee

and ratified by Parliament as provided by the Standing Orders.

8. Economic and social development plans shall be ratified by the plenary session of Parliament as specified by law.

#### Article 80.

1. No salary, pension, subsidy or remuneration shall be entered in the State budget or granted unless it is provided for by an organizational or other special law.

2. The minting or issuing of currency shall be regulated by law.

### SECTION IV

#### THE GOVERNMENT

#### CHAPTER ONE

##### **Composition and Function of the Government.**

#### Article 81.

1. The Cabinet, which shall be composed of the Prime Minister and the Ministers, constitutes the Government. The composition and operation of the Cabinet shall be specified by law. One or more of the Ministers may be appointed Deputy Prime Minister by decree initiated by the Prime Minister.

A law shall regulate the status of Alternate Ministers, Ministers without portfolio and Undersecretaries who may be members of the Government, as well as the status of permanent service Undersecretaries.

2. No person may be appointed member of the Government or Undersecretary if he does not possess the qualifications required for members of Parliament as specified in Article 55.

3. Any professional activity whatsoever of members of the Government, Undersecretaries and the Speaker of Parliament shall be in abeyance during the discharge of their duties.

4. The incompatibility of the office of Minister and Undersecretary with other functions may be established by law.

5. In the absence of a Deputy Prime Minister, the Prime Minister shall appoint, whenever the need arises, one of the Ministers as his provisional Deputy.

#### Article 82.

1. The Government shall define and direct the general policy of the Country, in accordance with the provisions of the Constitution and the laws.

2. The Prime Minister shall safeguard the unity of the Government and he shall direct the actions of the Government and of public services in general for the implementation of Government policy within the framework of the laws.

#### Article 83.

1. Each Minister shall exercise the authority specified by law. Ministers without portfolio shall exercise the authority vested in them by decision of the Prime Minister.

2. Undersecretaries shall exercise the authority vested in them by joint decision of the Prime Minister and the competent Minister.

### CHAPTER TWO

#### Relations between Parliament and the Government.

#### Article 84.

1. The Government must enjoy the confidence of Parliament. The Government shall be obliged to request a vote of confidence by Parliament within fifteen days of the date the Prime Minister shall have been sworn in, and may also do so at any other time. If at the time the Government is formed, Parliament has suspended its works, it shall be summoned within fifteen days to resolve on the motion of confidence.



2. Parliament may decide to withdraw its confidence from the Government or from a member of the Government. A motion of censure may not be submitted before the lapse of six months from the rejection by Parliament of such a motion.

A motion of censure must be signed by at least one-sixth of the number of members of Parliament and must explicitly state the subjects on which the debate is to be held.

3. A motion of censure may, by exception, be submitted before the lapse of six months, if it is signed by the majority of the total number of members.

4. A debate on a motion of confidence or censure shall commence two days after the motion was submitted, unless the Government, in the case of a motion of censure requests immediate commencement; the debate may not be prolonged for more than three days from its commencement.

5. A vote on a motion of confidence or censure is held immediately upon the termination of the debate; it may, however, be postponed for forty-eight hours if the Government so requests.

6. A motion of confidence cannot be adopted unless it is approved by the absolute majority of the members present, which however cannot be less than two-fifths of the total number of members. A motion of censure shall be adopted only if it is approved by the absolute majority of the total number of members.

7. Ministers and Undersecretaries who are members of Parliament shall vote on the above motions.

#### Article 85.

The members of the Cabinet and the Undersecretaries shall be collectively responsible for general Government policy, and each of them for the actions or omissions within his authority, according to the provisions of laws on the liability of Ministers. A written or oral order of the President of the Republic may in no

case whatsoever relieve Ministers and Undersecretaries of their liability.

#### Article 86

1. Parliament shall have the right to prefer charges on serving or former members of the Government and on Undersecretaries, in accordance with the laws on the liability of Ministers, and to arraign them before an ad hoc court, presided over by the Chief Justice of the Supreme Court, which shall be composed of twelve judges chosen by lot by the Speaker of Parliament in public sitting from among the members of the Supreme Court and the Presidents of Courts of Appeal who held office prior to the preferment of the charges, as specified by law.

2. Prosecution, judicial inquiry or preliminary examination of the persons specified in paragraph 1 for actions or omissions committed during the discharge of their duties shall not be permitted without a prior resolution of Parliament.

If in the course of an administrative inquiry evidence should arise adequate to establish responsibility of a member of the Government or an Undersecretary in accordance with the provisions of the law on the liability of Ministers, those in charge of the inquiry shall forward the evidence to Parliament through the Public Prosecutor after the termination of the administrative inquiry.

Only Parliament shall be entitled to suspend criminal prosecution.

3. Should the procedure on a motion against a Minister or Undersecretary be discontinued for any reason whatsoever, including the reason of barring by limitation, Parliament may at the request of the accused person, resolve the establishment of a Special Committee of members of Parliament and highest judicial functionaries to investigate the charges, as specified by the Standing Orders.

SECTION V  
THE JUDICIAL POWER

CHAPTER ONE

**Judicial Functionaries and Staff.**

Article 87.

1. Justice shall be administered by courts composed of regular judges who shall enjoy functional and personal independence.

2. Judges shall in the discharge of their duties be subject only to the Constitution and the laws; in no case whatsoever shall they be obliged to comply with provisions enacted in abolition of the Constitution.

3. Regular judges shall be supervised by judges of a superior rank and by the Public Prosecutor and the Deputy Prosecutor of the Supreme Court; Public Prosecutors shall be supervised by Supreme Court judges and Public Prosecutors of a superior rank, as specified by law.

Article 88.

1. Judicial functionaries shall be appointed by presidential decree in compliance with a law specifying the qualifications and the procedure for their election; the appointment shall be for life.

2. The remuneration of judicial functionaries shall be commensurate with their office. Matters concerning their rank, remuneration and their general status shall be regulated by special laws.

3. A training and trial period for judicial functionaries of up to three years prior to their appointment as regular judges may be provided by law. During this period they may also discharge the duties of a regular judge, as specified by law.

4. Judicial functionaries may be dismissed only in consequence of a court judgment brought about by criminal conviction or a grave breach of discipline or

illness or disability or professional incompetence confirmed as specified by law and in compliance with the provisions of article 93 paragraph 2 and 3.

5. Retirement from the service of the judiciary shall be compulsory upon attainment of the age of sixty five years for all functionaries up to and including the rank of Court of Appeal judge or Deputy Prosecutor of the Court of Appeals, or a rank corresponding thereto. In the case of judicial functionaries holding a rank higher than the stated or corresponding rank, retirement shall be compulsory upon attainment of the age of sixty seven years. In the application of this provision, the 30th of June of the year of retirement shall in all cases be taken as the date of attainment of the above age limit.

6. Transfer of judicial functionaries into another branch is prohibited. Exceptionally, the transfer of regular judges shall be permitted to fill up to half of the posts of Deputy Prosecutor in the Supreme Court as well as to fill up posts of associate judges or Public Prosecutors of Courts of first instance; the transfer shall be permitted upon request as specified by law.

7. Courts or councils especially provided by the Constitution and composed of members of the State Council and the Supreme Court shall be presided over by the member having seniority in rank.

**Interpretative clause :**

In the true interpretation of article 88, appointment to the position of associate members and councillors to the Comptrollers Council shall be permitted, as specified by law.

**Article 89.**

1. Judicial functionaries shall be prohibited from performing any other salaried service or practicing any other profession.

2. Exceptionally, judicial functionaries may be elected members of the Academy or professors or assistant

professors of University level schools and they may sit on special administrative courts and on councils and committees, but not on the boards of directors of enterprises or business concerns.

3. Judicial functionaries may be assigned administrative duties either along with their main duties or exclusively for a specified period of time, as provided by law.

4. Participation of judicial functionaries in the Government is prohibited.

5. The establishment of an association of judicial functionaries shall be permitted, as specified by law.

#### Article 90.

1. Promotions, appointments, transfers, detachments, and reassignments of judicial functionaries shall be effected by presidential decree, promulgated after prior decision by the Supreme Judicial Council. This council shall be composed of the president of the respective highest court and members of the same court chosen by lot from among those having served in it for at least two years, as specified by law. The Prosecutor of the Supreme Court participates in the Supreme Judicial Council on civil and criminal justice, while the General Commissioner of State to the Comptroller's Council shall participate in the corresponding judicial council.

2. In the case of judgments concerning promotions to the positions of Councillors of State, Supreme Court Judges, Deputy Prosecutors of the Supreme Court, President Judges of Appeals, Prosecutor of Appeals and Councillor to the Comptrollers Council, the council prescribed in paragraph 1 shall be supplemented by additional members, as specified by law. The provision of the last passage of paragraph 1 shall be applicable in this case.

3. If the Minister of Justice should disagree with the ruling of a Supreme Judicial Council, he may refer the matter to the plenum of the competent high court,

as specified by law. A judicial functionary passed up for promotion has also the right of recourse to the plenum, under the conditions specified by law.

4. The ruling of the plenum on a matter referred to it and the decisions of Supreme Judicial Councils with which the Minister has not disagreed, shall be binding upon him.

5. Promotion to the office of the President or Vice-President of the Council of State, the Supreme Court and the Comptrollers Council shall be effected by presidential decree issued on the proposal of the Cabinet upon selection from among the members of the respective highest court, as specified by law.

Promotion to the office of Supreme Court Prosecutor shall be effected by similar decree and upon selection from among the members of the Supreme Court and the Deputy Public Prosecutors of this Court.

6. Rulings or acts in compliance with the provisions of the present article shall not be subject to contestation before the Council of State.

#### Article 91.

1. Disciplinary authority over judicial functionaries from and above the rank of member of the Supreme Court or Deputy Prosecutor of the Supreme Court or a rank corresponding thereto shall be exercised by a Supreme Disciplinary Council, as specified by law.

Disciplinary action shall be raised by the Minister of Justice.

2. The Supreme Disciplinary Council shall be composed of the President of the Council of State as Chairman, two Vice-Presidents or Councillors of the Council of State, two Vice - Presidents or members of the Supreme Court, two Vice-Presidents or Councillors of the Comptrollers Council and two ordinary professors of law of the Law Schools of the country's universities, The members of the Council shall be chosen by lot from among those having at least three years of service in the respective highest court or law school.

Members belonging to the court of which the conduct of one of the judges, prosecutors or commissioners the Council has been called on to judge, shall be excluded.

In cases involving disciplinary action against members of the Council of State, the Supreme Disciplinary Council shall be presided by the President of the Supreme Court.

3. The disciplinary authority over all other judicial functionaries shall be exercised, in the first and second instance by councils composed of regular judges chosen by lot, as specified by law. Disciplinary action may also be raised by the Minister of Justice.

4. Disciplinary rulings in accordance with the provisions of this Article shall not be subject to contestation before the Council of State.

#### Article 92.

1. The secretarial staff of all courts and prosecutor's offices shall consist of permanent employees. They may be dismissed only in consequence of a court ruling brought about by criminal conviction or by decision of a judicial council on account of a grave breach of discipline, illness or disability, or professional incompetence attested to in the manner specified by law.

2. The qualifications of secretarial staff employees of all courts and prosecutors' offices and their general status shall be specified by law.

3. Promotions, appointments, transfers, detachments and reassignments of all judicial employees shall be effected with the concurring opinion of a judicial council; disciplinary authority over them shall be exercised by the judges, prosecutors or commissioners who are their superiors in the hierarchy and also by the judicial councils, as specified by law.

Recourse against decisions on promotions and disciplinary rulings shall be permitted, as specified by law.

4. Notaries public, registrars of mortgages and transfers and directors of land registry offices shall be permanent as long as corresponding services and positions exist. The provisions of the preceding paragraph shall be correspondingly applicable in this case.

5. Retirement shall be compulsory for notaries public and unsalaried registrars of mortgages and transfers upon attainment of the age of seventy years; in the remaining cases retirement shall be compulsory upon attainment of the age specified by law.

## CHAPTER TWO

### Organization and Jurisdiction of the Courts.

#### Article 93.

1. The courts are distinguished into administrative, civil and criminal courts, and they are organized by special laws.

2. The sittings of all courts shall be public, except when the court decides that publicity would be detrimental to moral principles or that special reasons call for the protection of the private or family life of the litigants.

3. All court judgments must be specifically and thoroughly reasoned and they shall be pronounced in a public sitting. Publication of the minority opinion shall be compulsory. A law shall specify matters concerning the entry of any minority opinion into the minutes as well as the conditions and prerequisites for the publicity thereof.

4. The courts shall be bound not to apply laws, the contents of which are contrary to the Constitution.

#### Article 94.

1. The hearing of substantive administrative disputes belongs to the jurisdiction of existing ordinary administrative courts. Disputes of this category which have not yet come under the jurisdiction of such



courts must compulsorily be subjected to this jurisdiction within five years from the date this Constitution shall enter into force; this time-limit may be extended by law.

2. Until the remaining categories of substantive administrative disputes come under the jurisdiction of ordinary administrative courts, either as a whole or by category, they shall continue to be under the jurisdiction of civil courts, with the exception of those for which special administrative courts have been established under special laws; these courts shall adhere to the provisions of paragraphs 2 to 4 of article 93.

3. Civil courts shall have jurisdiction on all private disputes, as well as on cases of voluntary jurisdiction assigned to them by law.

4. Any other administrative competence as defined by law may be assigned to civil or administrative courts.

**Interpretative clause :**

Only the ordinary taxation courts established by virtue of legislative decree 3845/1958 are considered as being ordinary administrative courts.

**Article 95.**

1. The jurisdiction of the Council of State pertains mainly to:

a) The annulment upon petition of executive acts of administrative authorities for abuse of power or violation of the law.

b) The reversal upon petition of final rulings of administrative courts, for abuse of power or violation of the law.

c) The trial of substantive administrative disputes submitted thereto as provided by the Constitution and the laws.

d) The elaboration of all decrees of a regulative nature.

2. The provisions of article 93 paragraphs 2 and 3 hereinabove shall not be applicable in the exercise of

the authority specified under subparagraph (d) of the preceding paragraph.

3. The trial of categories of cases of the jurisdiction of annulment of the Council of State may by law come under ordinary administrative courts of another degree, the jurisdiction of the Council of State in the highest instance being, however, reserved.

4. The jurisdiction of the Council of State shall be regulated and exercised as provided more specifically by law.

5. The administration shall be bound to comply with the annulling judgments of the Council of State. A breach of this obligation shall render liable any responsible agent as specified by law.

#### Article 96.

1. The jurisdiction of regular criminal courts shall comprise the punishment of crimes and the adoption of all measures provided by criminal laws.

2. Laws may be enacted which shall : (a) assign to authorities exercising police duties the trial of police order violations punishable by fine, (b) assign to agrarian security authorities the trial of petty offences related to landed property and private disputes arising therefrom. In both cases judgments shall be subject to appeal before the competent ordinary court; such appeal shall have power to suspend the execution of the judgment.

3. Special laws shall regulate matters pertaining to juvenile courts. The provisions of articles 93 paragraph 2 and 97 need not apply to juveniles. The judgments of these courts may be pronounced in camera.

4. Special laws may provide for:

a) Military, naval and air force tribunals which shall have no jurisdiction over civilians.

b) Prize courts.

5. The courts specified under subparagraph (a) of the previous paragraph shall be composed in majority of members of the judicial branch of the armed forces, invested

with the guaranties of functional and personal independence specified in article 87 paragraph 1 of this Constitution. The provisions of paragraphs 2 to 4 of article 93 shall be applicable to the sittings and rulings of these courts. Matters pertaining to the application of provisions of this paragraph, as well as the time upon which they shall enter into force, shall be specified by law.

#### Article 97.

1. Felonies and political crimes shall be tried by mixed jury courts composed of regular judges and jurors, as specified by law. The judgments of these courts shall be subject to the legal remedies specified by law.

2. Felonies and political crimes which prior to the date of enforcement of this Constitution have, by constituent acts, motions and special laws, come under the jurisdiction of courts of appeal shall continue to be tried by the said courts, as long as a law does not transfer them to the jurisdiction of mixed jury courts.

Other felonies may be transferred to the jurisdiction of the same courts of appeal by law.

3. Crimes of any degree committed through the press shall be under the jurisdiction of ordinary criminal courts, as specified by law.

#### Article 98.

1. The jurisdiction of the Comptrollers Council pertains mainly to:

a) The audit of expenditures of the State and of local government agencies or other public corporate bodies subject to its audit by special laws.

b) The presentation to Parliament of the financial report and balance sheet of the State.

c) Counsel concerning laws on pensions or on the acknowledgement of service for granting of the right to a pension in accordance with article 73 paragraph 2, and on all other matters specified by law.

d) The audit of the accounts of accountable officials and of the local government agencies and public corporate bodies specified in subparagraph (a).

e) The trial of legal remedies on contestations arising from pension grants and from the audit of accounts in general.

f) The trial of cases related to liability of civil or military public servants and local government agency employees for any loss, through fraud or negligence, incurred upon the State or the above agencies and corporate bodies.

2. The authority of the Comptrollers Council shall be regulated and exercised as specified by law. The provisions of article 93 paragraphs 2 and 3 shall not be applicable in the cases specified in subparagraphs (a) through (d) of the preceding paragraph.

3. The rulings of the Comptrollers Council in the cases specified in paragraph 1 shall not be subject to the control of the Council of State.

#### Article 99.

1. Mistrial suits against judicial functionaries shall be tried, as specified by law, by a special tribunal composed of the President of the Council of State as President, and one Councillor of State, one Supreme Court judge, one Councillor of the Comptrollers Council, two ordinary law professors of the law schools of the country's universities and two barristers from among the members of the Supreme Disciplinary Council for barristers, all of whom shall be chosen by lot.

2. Any member of the special tribunal belonging to the judicial body or branch of which an officer's actions or omissions the tribunal is called upon to judge shall be exempted. In the case of a mistrial suit against a member of the Council of State or a functionary of the ordinary administrative courts, the special tribunal shall be presided over by the President of the Supreme Court.

3. No permission shall be required to institute a mistrial suit.

Article 100.

1. A Special Highest Court shall be established the jurisdiction of which shall comprise :

a) The trial of objections in accordance with article 58.

b) Verification of the validity and returns of a referendum held in accordance with article 44 paragraph 2.

c) Judgment in cases involving the incompatibility or the forfeiture of office by a member of Parliament, in accordance with article 55 paragraph 2 and article 57.

d) Settlement of any conflict between the courts and the administrative authorities; or between the Council of State and ordinary administrative courts on the one hand and civil and criminal courts on the other or between the Comptrollers Council and any other courts.

e) Settlement of controversies on whether a law enacted by Parliament is fundamentally unconstitutional, or on the interpretation of provisions of such law when conflicting judgments have been pronounced by the Council of State, the Supreme Court or the Comptrollers Council.

f) The settlement of controversies related to the designation of rules of international law as generally acknowledged in accordance with article 28 paragraph 1.

2. The Court specified in paragraph 1 shall be composed of the President of the Council of State, the President of the Supreme Court and the President of the Comptrollers Council, four Councillors of State and four members of the Supreme Court chosen by lot for a two-year term. The Tribunal shall be presided by either the President of the Council of State or the President of the Supreme Court depending on seniority.

In the cases specified under subparagraphs (d) and (e) of the preceding paragraph, the composition of the special court shall be expanded to include two ordinary law professors of the law schools of the country's universities, chosen by lot.

3. The organization and function of the court, the appointment, replacement of and assistance to its members, as well as the procedure to be followed shall be determined by special law.

4. The judgments of the special court shall be irrevocable.

Provisions of law declared unconstitutional shall be invalid as of the date of publication of the respective judgment, or as of the date specified by the ruling.

## SECTION VI

### ADMINISTRATION

#### CHAPTER ONE

##### **Organization of the Administration.**

###### Article 101.

1. The administration of the State shall be organized on the basis of decentralization.

2. The administrative division of the Country shall be based on geoeconomic, social and transportation conditions.

3. Regional State agencies shall have general decisive authority on matters of their region, while the central services shall have, in addition to special authorities, the general guidance, coordination and supervision of the regional functionaries as specified by law.

###### Article 102.

1. The administration of local affairs shall be exercised by local government agencies, the first level of which

comprises municipalities and communities. Other levels shall be specified by law.

2. Local government agencies shall enjoy administrative independence. Their authorities shall be elected by universal and secret ballot.

3. The law may provide for compulsory or voluntary associations of local government agencies to execute works or render services; they shall be governed by a board of elected representatives of each municipality or community participating therein in proportion to the population.

4. The law may provide for the participation in the administration of second level local government agencies of elected representatives of local professional, scientific or cultural organizations and of the State administration; such participation is not to exceed one-third of the total number of members.

5. The State shall supervise local government agencies, without infringing upon their initiative and freedom of action. The disciplinary punishments of suspension and dismissal from office of elected agents of local government agencies, with the exception of cases involving ipso jure forfeiture of office, shall be pronounced only with the consent of a council composed in its majority of regular judges.

6. The State shall provide for the securing of funds necessary to fulfill the mission of local government agencies. Matters pertaining to the attribution and distribution among local government agencies of the taxes or duties provided for them and collected by the State shall be specified by law.

## CHAPTER TWO

### Status of Administrative Agents.

#### Article 103.

1. Civil servants shall be the executors of the will of the State and shall serve the people, owing allegiance

to the Constitution and devotion to the Fatherland. The qualifications and the manner of appointment of civil servants shall be specified by law.

2. No one may be appointed to a post not provided by legislation. Special laws may provide for exceptions to fill unforeseeable and urgent needs with personnel hired for a certain period of time on a private law contract.

3. Organic posts of specialized scientific and technical or auxiliary personnel may be filled by personnel hired on private law contracts. The terms of employment and the specific guarantees under which this personnel shall be employed shall be specified by law.

4. Civil servants holding organic posts shall be permanent so long as these posts exist. Their salaries shall evolve in accordance with the provisions of the law; with the exception of those retiring upon attainment of the age limit or when dismissed by court judgement, civil servants may not be transferred without an opinion or lowered in rank or dismissed without a decision of a service council consisting of at least two-thirds of permanent civil servants.

Recourse against the decisions of these councils may be sought before the Council of State, as specified by law.

5. Highest administrative servants holding posts outside of the civil service hierarchy, persons directly appointed on an ambassadorial rank, employees of the Presidency of the Republic and the officers of the Prime Minister, Ministers and Undersecretaries may by law be exempted from permanency.

6. The provisions of the preceding paragraphs shall apply to the staff of Parliament, which in other aspects shall be totally subject to the Standing Orders, and to the staff of local government agencies and other public corporate bodies.

#### Article 104.

1. None of the employees mentioned in the preceding article may be appointed to another post of the civil



service or of local government agencies or of other public corporate bodies, or of public enterprises or public utility agencies. As an exception appointment to a second post may be permitted by special law, in compliance with the provisions of the following paragraph.

2. Additional salaries or emoluments of any kind of employees mentioned in the preceding article may not exceed each month the total salary received from their organic post.

3. No prior permission shall be required to bring to trial civil servants or employees of local government agencies or other public corporate bodies.

### CHAPTER THREE

#### Regime of Aghion Oros (Mount Athos)

##### Article 105.

1. The Athos peninsula extending beyond Megali Vigla and constituting the region of Aghion Oros shall, in accordance with its ancient privileged status, be a self-governed part of the Greek State, whose sovereignty thereon shall remain intact. Spiritually Aghion Oros shall come under the jurisdiction of the Oecumenical Patriarchate. All persons leading a monastic life thereon acquire Greek citizenship without further formalities, upon admission as novices or monks.

2. Aghion Oros shall be governed in accordance with its regime by its twenty Holy Monasteries among which the entire Athos peninsula is divided; the territory of the peninsula shall be exempt from expropriation.

Administration of the Aghion Oros region shall be exercised by representatives of the Holy Monasteries constituting the Holy Community. No change whatsoever shall be permitted in the administrative system or in the number of Monasteries of Aghion Oros, or in their hierarchical order or in their position to their subordinate dependencies. Heterodox or schismatic persons shall be prohibited from dwelling thereon.

3. The determination in detail of the regimes of Aghion Oros and the manner of operation thereof is effected by the Charter of Aghion Oros which, with the cooperation of the State representative, shall be drawn up and voted by the twenty Holy Monasteries and ratified by the Oecumenical Patriarchate and the Parliament of the Hellenes.

4. Faithful observance of the regimes of Aghion Oros shall in the spiritual field be under the supreme supervision of the Oecumenical Patriarchate, and, in the administrative, under the supervision of the State, which shall also be exclusively responsible for safeguarding public order and security.

5. The afore-mentioned powers of the State shall be exercised through a governor whose rights and duties shall be determined by law.

The law shall likewise determine the judicial power exercised by the monastic authorities and the Holy Community, as well as the customs and taxation privileges of Aghion Oros.

## PART FOUR

### SPECIAL, FINAL AND TRANSITORY PROVISIONS

#### SECTION I

#### SPECIAL PROVISIONS

##### Article 106.\*

1. In order to consolidate social peace and protect the general interest, the State shall plan and coordinate economic activity in the Country aiming at safeguarding economic development of all sectors of the national economy. The State shall take all measures necessary to develop sources of national wealth in the atmosphere, in underground and underwater deposits, and to promote regional development and to further especially the economy of mountainous, insular and border areas.

2. Private economic initiative shall not be permitted to develop at the expense of freedom and human dignity, or to the detriment of the national economy.

3. While reserving the protection provided in article 107 in connection with the re-export of foreign capital, the law may regulate the acquisition by purchase of enterprises or the compulsory participation therein of the State or other public agencies in the event these enterprises are of the nature of a monopoly or are of vital importance to the development of sources of national wealth or are primarily intended to offer services to the community as a whole.

4. The cost of purchase or the counterpart to the compulsory participation of the State or other public agencies must indispensably be appointed by a court and must be in full, corresponding to the value of the purchased enterprise or the participation therein.

5. A shareholder, partner or owner of an enterprise, the control of which devolves upon the State or upon an agency controlled by the State as a result of compulsory participation in accordance with paragraph 3 shall be entitled to request the purchase of his share in the enterprise, as specified by law.

6. The law may specify matters pertaining to the contribution to the State expenditure by beneficiaries from the execution of public utility works or works of a more general significance for the economic development of the Country.

#### **Interpretative clause**

The value specified in paragraph 4 does not include such value due to the monopolistic nature of the enterprise.

#### **Article 107.**

1. Legislation of a higher formal validity enacted before April 21, 1967, pertaining to the protection of foreign capital shall continue to possess such validity

and shall be applicable to capital imported henceforth.

The same validity applies to the provisions of Chapters A through D of Section A of Law 27/75 «on the taxation of ships, compulsory contributions for the development of the merchant marine, establishment of foreign shipping companies and regulation of related matters».

2. A law, to be promulgated once and for all within three months of the date of enforcement of this Constitution shall specify the terms and the procedure for the revision or cancellation of administrative acts or agreements contracted on investment of foreign capital in application of legislative decree 2687/1953 and promulgated in any form whatsoever between April 21, 1967 and July 23, 1974, with the exception of those pertaining to the registration of ships under the Greek flag.

#### Article 108.

The State shall be concerned with Greeks residing abroad and with the maintenance of their ties with the Fatherland. The State shall also attend to the education and social and professional advancement of Greeks working outside the State.

#### Article 109.

1. Alteration of the contents or terms of a will, codicil or donation, in its provisions benefiting the State or a charitable cause is prohibited.

2. By exception a more beneficial use or disposal of a bequest or donation for the same or for another charitable cause in the area designated by the donor or the testator or in the wider region thereof shall be permitted, as specified by law, when it is certified by a court judgement that the will of the donor or the testator cannot be fulfilled for any reason whatsoever, either in whole or in its major extent or if it can be more fully satisfied by the change of use.

## SECTION II

### REVISION OF THE CONSTITUTION

#### Article 110.

1. The provisions of the Constitution shall be subject to revision with the exception of those which designate the form of government as a Parliamentary Republic and those of articles 2 paragraph 1, 4 paragraphs 1, 4 and 7, 5 paragraphs 1 and 3, 13 paragraph 1, and 26.

2. The need for revision of the Constitution shall be confirmed by a resolution of Parliament adopted, on the proposal of not less than fifty members of Parliament, by a three-fifths majority of the total number of its members in two ballots held at least one month apart. This resolution shall define the provisions to be revised.

3. Upon a resolution by Parliament on the revision of the Constitution, the next Parliament shall in the course of its opening session decide on the provisions to be revised by an absolute majority of the total number of its members.

4. Should a proposal for revision of the Constitution receive the majority of the votes of the total number of members but not the three-fifths majority specified in paragraph 2, the next Parliament may, in its opening session, decide on the provisions to be revised by a three-fifths majority of the total number of its members.

5. Every duly voted revision of provisions of the Constitution shall be published in the Government Gazette within ten days of its adoption by Parliament and shall come into force through a special parliamentary resolution.

6. Revision of the Constitution is not permitted before the lapse of five years from the completion of a previous revision.

### SECTION III

#### TRANSITORY PROVISIONS

##### Article 111.

1. Any provision of a law or of an administrative act of a regulatory nature which is contrary to the Constitution is abolished as of the date of its enforcement.

2. Constituent acts promulgated between July 24, 1974 and the convocation of the Fifth Revisionary Parliament, as well as Resolutions thereof shall continue to be in force and this is to apply even to provisions therein contrary to the Constitution, allowing for their amendment or abolition by law. As of the date of enforcement of the Constitution, the provision of article 8 of the constituent act of September 3, 1974 concerning the retirement age limit for professors of institutions of university level is null and void.

3. Article 2 of presidential decree 700 of October 9, 1974 «on partial re-enactment of articles 5, 6, 8, 10, 12, 14, 95, and 97 of the Constitution and the lifting of the law «on a state of siege» and Legislative Decree 167 of November 16, 1974 «on granting of the legal remedy of appeal against the judgments of the military tribunal» shall remain in force, allowing for their amendment or abolition by law.

4. The resolution of April 16/29, 1952 shall remain in force for six months from the date of enforcement of this Constitution. Within this time-limit, the amendment, implementation or abolition of the constituent acts and resolutions referred to in article 3 paragraph 1 of the afore mentioned resolution shall be permitted, as well as the maintenance of some of these, in whole or in part, even after the lapse of this time-limit on condition that the provisions amended, implemented or remaining in force cannot be contrary to this Constitution.

5. Greeks deprived in any manner whatsoever of their citizenship prior to the enforcement of this

Constitution shall re-acquire it upon a decision by special committees of judicial functionaries, as specified by law.

6. The provision of article 19 of legislative decree 3370/1955 «on sanctioning of the Code of Greek citizenship» shall remain in force until it is repealed by law.

#### Article 112.

1. On matters where provisions of this Constitution explicitly require the promulgation of a law to regulate them, the laws and administrative acts of a regulatory nature which were in force as the case may be at the time this Constitution comes into force, shall remain in force until the law shall be promulgated, with the exception of those which are contrary to provisions of the Constitution.

2. The provisions of article 109 paragraph 2 and 79 paragraph 8 shall enter into force as of the date of the enforcement of each of the laws especially provided therein. The above law must be promulgated at the latest by the end of the year 1976. Until the law provided for in article 109 paragraph 2 comes into force, the constitutional and legislative set-up in force at the time this Constitution enters into force shall continue to be applicable.

3. Constituent Act of October 5, 1974, which shall remain in force, shall be construed as meaning that the suspension of the exercise of the duties of professors as of their election as members of Parliament shall not, throughout the duration of the present parliamentary period, be extended to include teaching, research, authorship, and scientific work in laboratories and classrooms of respective schools, but the participation of these professors in the administration of schools and in the election of teaching personnel in general or in the examination of students shall be excluded.

4. The application of article 16 paragraph 3, on the number of years of compulsory education, shall be

integrated on the basis of a law within five years of the enforcement of this Constitution.

#### Article 113.

The Standing Orders of Parliament, the resolutions pertaining thereto and the laws specifying the manner in which Parliament shall function, shall continue to be in force pending the date of enactment of the new Standing Orders, with the exception of those which are contrary to the provisions of this Constitution.

As to the function of the Sections of Parliament provided by articles 70 and 71 of the Constitution, the provisions of the last Standing Orders regulating the work of the Special Legislative Committee of article 35 of the Constitution of January 1, 1952 shall have supplementary force, as provided by article 3 of Resolution A dated December 14, 1974. Pending the enactment of the new Standing Orders, the Committee of article 71 of the Constitution shall be composed of sixty regular members and thirty substitutes, to be selected by the Speaker from among all parties and groups, in proportion to their strength. In case of dispute prior to the publication of the new Standing Orders on provisions to be applied, the Plenum or the Section of Parliament in the operation of which the question has arisen shall decide.

#### Article 114.

1. The election of the first President of the Republic must take place at the latest within two months of publication of this Constitution in a special session of Parliament, to be called at least five days in advance by the Speaker; the provisions of the Standing Orders as to the election of the Speaker shall be observed.

The President-elect shall assume the discharge of his duties upon being sworn in, at the latest within five days of his election.

The law specified in article 49 paragraph 5 on the regulation of matters related to the liabilities of the



President of the Republic must be promulgated before December 31, 1975.

Pending the enactment of the law specified in article 33 paragraph 3 matters defined therein shall be administered by the provisions pertaining to the provisional President of the Republic.

2. As of the date of enactment of this Constitution and until the President of the Republic to be elected shall assume the discharge of his duties, the provisional President of the Republic shall exercise the authority vested in the President by the Constitution, with the restrictions specified in article 2 of resolution B of the Fifth Revisionary Parliament dated December 24, 1974.

#### Article 115.

1. Pending the issue of the law provided in article 86 paragraph 1 the standing provisions on prosecution, interrogation and trial of acts and omissions specified in article 49 paragraph 1 and article 85 shall be applicable.

2. The law provided by article 100 must be issued within one year at the latest from the enforcement of this Constitution. Pending the issue of the said law and the function of the Special Highest Court to be established :

a) Disputes on the matters specified in article 55 paragraph 2 and article 57 shall be solved by parliamentary resolution, in accordance with the provisions of the Standing Orders on personal issues.

b) The examination of the validity and the returns of a referendum held in accordance with article 44 paragraph 2, as well as the trial of objections to the validity and the returns of parliamentary elections in accordance with article 58 shall be assigned to the Special Court provided by article 73 of the Constitution of January 1, 1952; the procedure of articles 116 seq. of presidential decree 650/1974. shall be applied.

c) The settlement of conflicts specified in article 100 paragraph 1 section (d) shall come under the juris-

diction of the Court specified in article 65 of the Constitution of January 1, 1952; laws related to the organization, functioning and procedure before the said Court shall also remain temporarily in force.

3. Pending the enactment of the law provided by article 99 mistrial suits shall be tried by the court provided under article 110 of the Constitution of January 1, 1952 and in accordance with the procedure effective at the time of publication of this Constitution.

4. Pending the enactment of the law provided under article 87 paragraph 3 and the establishment of the judicial and disciplinary committees provided under article 90 paragraphs 1 and 2 and article 91, the relevant provisions valid at the time of enforcement of this Constitution shall remain in force. The laws on the above matters must be promulgated not later than one year from the date of enforcement of this Constitution.

5. Pending the enactment of the laws provided under article 92 the provisions existing at the time this Constitution enters into force shall remain in force. The said laws must be promulgated not later than one year from the date of enforcement of this Constitution.

6. The special law provided under article 57 paragraph 5 must be issued within six months from the date of enforcement of this Constitution coming into force.

#### Article 116.

1. Existing provisions contrary to article 4 paragraph 2 shall remain in force pending their abolition by law not later than December 31, 1982.

2. Divergencies from the provisions of article 4 paragraph 2 shall be permitted only for sufficiently justified reasons, in cases specified by law.

3. Ministerial decisions of a regulatory nature as well as provisions of collective agreements or arbitration decisions pertaining to the settlement of remuneration for labour which are contrary to the provisions of article 22 paragraph 1 shall remain in force until

they are replaced not later than three years from the date of enforcement of this Constitution.

Article 117.

1. Laws issued before April 21 1967, in application of article 104 of the Constitution of January 1, 1952 shall be deemed not to be contrary to this Constitution and shall remain in force.

2. Notwithstanding article 17 the legislative regulation and dissolution of existing leases of farms and other land onuses, the purchase of bare ownership by long leasers of long leased plots and the abrogation of peculiar real property relationships shall be permitted.

3. Public or private forests or forest expanses which have been destroyed or are being destroyed by fire or have otherwise been deforested or are being deforested, shall not thereby relinquish their previous designation and shall compulsorily be proclaimed reforestable, the possibility of their disposal for other uses being excluded.

4. The expropriation of forests and forest expanses owned by individuals or by private or public corporate bodies shall be permitted only in cases benefiting the State, in accordance with the provisions of article 17, for reasons of public utility; but their designation as forests shall be retained unaltered.

5. The expropriations which have been declared or are being declared until the existing laws on expropriation have been adapted to this Constitution shall be governed by provisions in force at the time of their declaration.

6. Paragraphs 3 and 5 of article 24 shall be applicable to residential areas which have been designated or are being reformed as such as of the enactment of laws provided therein.

Article 118.

1. As of the date of enforcement of this Constitution judicial functionaries from the rank of president or

public prosecutor of the Court of Appeals and up or of corresponding ranks, shall retire from service, as before that time, upon attainment of the age of seventy years; this age limit shall annually be lowered by one year until the age of sixty-seven years beginning in 1977.

2. Highest judicial functionaries who were not in service at the time the constituent act of September 4/5, 1974 «on the restoration of order and harmony in the judicial branch» came into force and demoted on the basis thereof due to the time at which their promotion was realized and against whom the disciplinary prosecution specified in article 6 of the said constituent act was not initiated, shall be compulsorily committed by the competent Minister to the Highest Disciplinary Council within three months of the date of the enforcement of this Constitution.

The Highest Disciplinary Council shall decide on whether the conditions of promotion have reduced the prestige and the special position in the service of the promoted person and shall by final decision rule on re-acquisition or not of the automatically forfeited rank and the rights accorded thereon, the retroactive payment of salary or pension being however excluded.

The decision must be issued within three months of committal.

The closest living relatives of a judicial functionary having been demoted and deceased, may exercise all the rights accorded to persons under disciplinary trial before the Highest Disciplinary Council.

3. Pending the issue of the law provided under article 101 paragraph 3, provisions in force pertaining to the distribution of authority between central and regional services shall continue to be applied. These provisions may be amended by the transfer of special authority from central to regional services.

#### Article 119.

1. Grounds for non-acceptance of petitions to nullify acts issued between April 21, 1967 and July 23, 1974.

irrespective of the way it operated, may be lifted by law irrespective of whether or not such a petition has been submitted; in no case, however, may retroactive wages be paid to persons who may be justified through this legal remedy.

2. Military or civil servants who by law have been restored ipso jure to the public posts they occupied and who have become members of Parliament, may within an eight-day limit state their choice between their parliamentary office and their public post.

#### SECTION IV FINAL PROVISION

##### Article 120.

1. This Constitution, voted by the Fifth Revisionary Parliament of the Hellenes, is signed by its Speaker and published by the provisional President of the Republic in the Government Gazette by decree countersigned by the Cabinet and shall enter into force on the eleventh of June 1975.

2. Respect towards the Constitution and the laws concurrent thereto, and devotion to the Fatherland and to Democracy constitute a fundamental duty of all Greeks.

3. Usurpation in any way whatsoever of popular sovereignty and of powers deriving therefrom shall be prosecuted upon restoration of the lawful authority; the limitation from which punishment for the crime is barred shall begin as of the restoration of lawful authority.

4. Observance of the Constitution is entrusted to the patriotism of the Greeks who shall have the right and the duty to resist by all possible means whoever attempts the violent abolition of the Constitution.

Athens, June 9, 1975  
The Speaker of the House  
C. PAPACONSTANTINOU

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