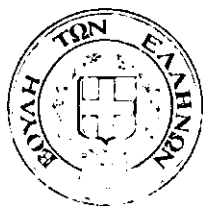


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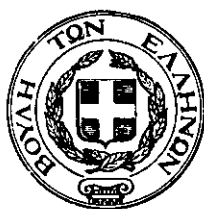
THE CONSTITUTION OF GREECE



**DIRECTORATE OF STUDIES
HELLENIC PARLIAMENT
ATHENS 1995**

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THE CONSTITUTION OF GREECE



**translated by Epaminondas SPILIOTOPOULOS,
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**DIRECTORATE OF STUDIES
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ATHENS 1995**

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INTRODUCTION ⁽¹⁾

Following the collapse of the 1967 dictatorship on July 24, 1974, the elaboration and adoption of a new constitutional chart appeared as an imminent necessity. Besides the symbolic character of a fresh start, this necessity emerged from the fact that the previous Constitution, that of January 1, 1952, was worn-out, as well as from the fact that the two constitutional texts of the military regime (those of 1968 and 1973) were not only very undemocratic, but also bore the original sin, that of being, precisely, the Constitutions of a dictatorship.

Thus, the procedure for the elaboration of a new Constitution was immediately initiated. The 5th Revisionary Parliament, which came out of the November 17, 1974 elections enjoyed, despite its name, an almost absolute constitutional power : it was only bound in what concerned the form of government, i.e. republic or kingdom, an issue which would be directly decided by the people. The elective character of the Head of State was determined by the 69,19 % of the valid votes of the referendum held on December 8, 1974 . The parliamentary revisionary works lasted five months (January-May 1975) and the new Constitution entered into force on June 11, 1975.

According to article 110 of the Constitution, the process of the revision consists of two phases : at a first stage the need to revise the Constitution is ascertained whereas the provisions to be revised are determined by the Parliament in two separate ballots and

(1) *This text is the English translation of the introduction to the French translation of the Greek Constitution (édition du Service des Etudes de la Chambre des Députés, Athènes, 1992).*

by a qualified majority (the three-fifths of the total number of the Members of Parliament). The next Parliament, in its first session, expresses its will on the provisions to be revised, by an absolute majority of the total number of its Members, this being the second stage of the revision. This procedure was scrupulously observed at the time of the unique - up to the moment - revision of the constitutional text. Thus, the proposal for revision was submitted on March 11, 1985 and voted on April 3, 4 and 6 and on May 7 of the same year. On March 6, 1986, the next Parliament (6th Revisionary Parliament), which came out of the elections of June 2, 1985, adopted the proposal, with certain modifications. The revised provisions entered into force on March 12, 1986.

The Hellenic Constitution of 1975/1986, is a more or less extensive text, which consists of 120 articles and 9 interpretative clauses (these are true constitutional clauses in the form of authoritative interpretations of the sense of the articles to which they are attached ; they were voted in the same way as the rest of the text, they form an integral part of the Constitution and have the same legal force as the other constitutional provisions). The constituent legislator's will to break every bond with the past, thus marking the beginning of a new era, has left its traces on the text of the Constitution. Thus, next to articles whose content is pre-eminently declaratory, there are articles regulating technical or secondary issues in all possible detail as well as 9 articles containing transitory provisions, which set to the ordinary legislator brief deadlines in order to put into place the necessary legislative mechanism in view of the full implementation of constitutional provisions.

This minute elaboration is equally present in the provisions concerning the relations between individual and State, as well as

in the provisions concerning the relations between the several powers. The authoritarian past of the military regime and the imponderable factors of a perturbed constitutional and political history, have incited the author to try to regulate everything at a superior normative level, in an effort to make clear once and for all the rules of the game.

The constitutional articles are divided into four parts: the first part includes the fundamental provisions (articles 1 - 3), the second, the public liberties and social rights (articles 4 - 25), the third part concerns the organization and functions of the State (articles 26 - 105) while the fourth part consists of special, final and transitory provisions (articles 106 - 120). This order, does not seem to have a concrete juridical significance, yet agrees with a constitutional tradition well-established in Greece. In fact, the nine previous Constitutions of the Greek State, as well as the two Constitutional texts of the military regime, have adopted that order.

To the contrary, there has been a break with tradition as far as the location of the article on the relationship between Church and State is concerned. While the Constitution begins, like the previous Constitutions, with an invocation to the Holy Trinity, and while the dominant religion in Greece remains that of the Orthodox Oriental Church of Christ, the relative provisions are not to be found in the first article but in the third. It is a change of true symbolic significance, given the fact that the other well-known religions have also been placed on a relatively equal footing with that of the dominant religion.

The hierarchy of the Greek juridical order is clearly defined in the constitutional text. On top of the pyramid stands the Constitution itself. The Courts, operating a diffuse constitutional review of the laws applying to the cases brought before them, are bound

not to apply a norm whose content is contrary to the Constitution (art. 93 par. 4).

Generally recognized rules of international law, as well as international treaties as soon as they are ratified and enter into force according to the provisions of each one separately, constitute an integral part of internal law and enjoy an infra-constitutional, but supra-legislative status (art. 28 par.1).

The ordinary legislator enjoys a presumption of competence on every issue (under the two limitations that have already been mentioned), that he can exercise either directly or by delegating that authority to the executive, by virtue and within the limitations of article 43.

The regulating power is entrusted to the executive, either by the Constitution itself (art. 43 par. 1, 54 par. 2, 83) or by "special" and "specific" legislative delegation (art. 43 par.2,4). A third case of autonomous regulatory power (besides these of articles 54 par.2 and 83), concerning the internal function and structure of the State services had been assigned to the Administration by par. 3 of article 43; this paragraph, which was never applied, was abrogated, following the 1985/86 revision. Thus, the Administration, whose acts fall under the principle of legitimacy (art. 95 par.1), "does not have any other competences, except those attributed to it by the Constitution and the Laws" (art. 50).

The political regime established by the Constitution is that of parliamentary republic (art. 1 par.1), based on popular sovereignty (art. 1 par.2,3) and the principle of representation (imperative mandate prohibition - art. 51 par.2, parliamentary freedom and irresponsibility - art. 60 par.1 and art. 61 par.1). The tendencies towards a rationalized parliamentarism and for increased executive powers have left their traces on this monocameral regime.

The traditional tripartite separation of State functions has been reaffirmed (article 26), but the author has equally taken care to provide explicitly for the existence and function of political parties (art. 29). The parties are recognized not only as actors in the electoral play but also as permanent factors of political life as a whole. Thus, the Constitution introduces both an expression of the actual power - relationship between majority and opposition and a concretization, at the highest level, of the political right of citizens to participate actively.

The people, in its capacity as an instituted organ, has well-defined competences (art. 1. par. 3 : "all powers ... shall be exercised as specified by the Constitution"). This regards the election of Members of Parliament (art. 51 par.3) and deciding in case of referendum (art. 44 par. 2). Before the 1985/86 revision the referendum was one of the principal channels of direct communication between the Head of State and the people, given the fact that the presidential decree proclaiming a referendum did not need to be countersigned by a minister or obtain prior parliamentary approval. The revised provision brings the referendum back to the principle of representation, since it is only by prior parliamentary decision that the people may be consulted.

Finally, the people, this time in the capacity of a social actor, intervenes in the political play, through its participation in party politics and constitutes the ultimum refugium of the constitutional regime, since it has the right and the duty to resist every attempt to abolish violently the Constitution (art. 120 par.4).

The Parliament traditionally consists of 300 members (art. 51, par.1) and is renewed entirely every 4 years (art. 53). The way of its function is determined by the Standing Orders which adopts the Parliament itself, in conformity with the principle of par-

liamentary autonomy (art. 65). The status of Members of Parliament is determined in the fullest manner, including detailed provisions specifying the positive and negative conditions of eligibility (art. 55 and 56), incompatibilities, as well as parliamentary immunity (art. 61 and 62). The Constitution gives the ordinary legislator authority to determine the electoral system (art. 54 par.1) and allows him to provide for a category of parliamentarians, the State MPs, who are elected in a uniform way across the territory and not in a specific electoral district (art. 54 par. 3).

Beyond the *stricto sensu* legislative authority (art. 73) which is exercised in the plenum or in sections (art. 70-72), the Parliament has also other functions. Along with the revision of the Constitution, with which the executive power has no connection, and its involvement in referendum processes, the Parliament elects the President of the Republic through a process, complicated as well as original, which, through successive qualified majorities, tends to differentiate presidential majority from governmental majority. Should this differentiation not be obtained and the qualified majorities not be achieved, the Parliament is dissolved *ipso jure* (art. 32).

The relations between Parliament and the Government follow the rules of a well-organised parliamentarism. The Government must enjoy the Parliament's confidence, being responsible towards it. However, in spite of the fact that the vote of confidence requires an absolute majority of present MPs, the motion of censure must be voted by the absolute majority of the total number of deputies (art. 84, 85).

On the other hand, dissolution "in the english way" (i.e. pursuant to the Government's quasi-discretionary initiative), remains the fundamental constitutional "weapon" of the Government towards the Parliament (art. 41 par. 2). The other cases of dissolu-

tion depend mostly on the conduct of the Parliament, where dissolution depends essentially from an initiative of the President (disapproval of two governments and parliamentary composition that does not ensure ministerial stability - art. 41 par.1) or occurs ipso jure (impossibility of election of a new President of the Republic or formation of a Government that enjoys parliamentary confidence - art. 32 par.4 and art. 37 par.3).

The organization of the executive power was the most original aspect of the Constitution in its original form. The President enjoyed unusually extensive competences in view of an otherwise typically parliamentary system.

In fact, the President of the Republic, "regulator" of the political regime (art. 30 par.1), politically non-responsible (art. 49), was the peoples' privileged interlocutor, being in the position to address the people either to elicit the latter's opinion (in the form of a referendum) or by offering his own, via presidential addresses, both without the need of ministerial countersignature. He was also the qualified interpreter of the public sentiment, having the power to dissolve the Parliament should its composition be "in manifest opposition with the popular sentiment". Finally, the Head of the State had the authority to revoke, albeit with countersignature, a Government which enjoyed the Parliament's confidence but under the obligation to proclaim elections in case the Parliament could not elect another Government.

The aim of the 1985/86 revisional proposal was the abrogation of these reinforced presidential powers: this was accomplished. Henceforth, the Head of State resembles more its Italian and German counterparts, being deprived of all institutional means that would enable him to intervene in a discretionary manner in the course of everyday politics. He impersonates unity and continuity of the State, he represents the country abroad and is the

Head of the executive power, but all his actions need ministerial countersigning under the penalty of nullity. Among the rare exceptions is the suspensive veto concerning Bills voted by the Parliament (art. 42 par. 2).

It rests with the Government to determine and direct the country's general policy, headed by the Prime Minister, who is the real man of power of the regime (art. 82). In addition to the usual powers of the executive found in every parliamentary regime, the Government has a kind of direct legislative power; according to art. 44 par.1, in exceptional cases of a very urgent need, acts of "legislative content" may be issued by the executive power. These acts supplement, modify or abrogate laws without any prior legislative delegation. The executive has the same power during the implementation of the statute on the state of siege (art. 48 par. 5). These acts are submitted for ratification to the Parliament within very brief delays, but their eventual non-submission on non-ratification does not cancel their legal force, except for the future.

The relations between the individual and the State are dealt with in a quite complete manner. The experience of the dictatorship has urged the constitutional legislator to be meticulous and to incorporate provisions establishing the most fundamental social rights. Two striking novelties, inspired by the fundamental law of Bonn are the respect and protection of the value of the human being (art. 2 par. 1), which constitutes an element of the form of the political regime and the right to freely develop one's personality (art.5 par.1).

The judiciary is distinguished in two jurisdictions and judges enjoy functional and individual independence (art. 87). The 1975/86 Constitution has established the Special Highest Court (art. 100); it enjoys an extraordinary jurisdiction, combining the

competences of the old Tribunal on Conflicts and of the old electoral Tribunal, as well as the competence of unifying the jurisprudence of other jurisdictions at the level of interpretation of the Constitution, without however reaching the stature of a Constitutional Court.

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THE CONSTITUTION OF GREECE
In the name of the Holy and Consubstantial and
Indivisible Trinity

THE FIFTH REVISIONARY PARLIAMENT
OF THE HELLENES
R E S O L V E S

P A R T O N E
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 derive 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 obligations of the State.
2. Greece, adhering to the generally recognised rules of international law, pursues the strengthening of peace and of justice, and the fostering 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 June 29, 1850 and the Synodal Act of September 4, 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 the rights of others or violate the Constitution and the good usages.

2. All persons living within the Greek territory shall enjoy full protection of their life, honour and liberty 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 exceptional cases of emergency and only in order to prevent the commitment of criminal 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 in the act of committing a crime.

2. A person who is arrested in the act of committing a crime 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 before him, either release the detainee or issue a warrant of imprisonment. Upon application of the person brought before 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 pain and suffering, 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 be deprived of the judge assigned to him by law against his will.

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

Article 9

1. Every person's home is a sanctuary. The private and family life of the individual is inviolable. No home 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 home's asylum and for abuse of power, and shall be liable for 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 the person who has submitted a petition for punishable acts contained therein shall be permitted only after notification of the final decision of the authority to which the petition was addressed has taken place and after 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 threat to public security is imminent, and in a specific area, if a serious disturbance of social and economic life is threatened, as specified by law.

Article 12

1. Greeks shall have the right to form non-profit associations and unions, in compliance with the law, which, however, may never subject the exercise of this right to prior permission.

2. An association may not be dissolved for violation of the law or of a substantial provision of its statutes, except by court judgment.

3. The provisions of the preceding paragraph shall apply, as the case may be, to unions of persons not constituting an association.

4. Restrictions on the right of civil servants to associate may be imposed by statute. Restrictions on this right may also be imposed on employees of local government agencies or other public law legal persons or public corporations.

5. Agricultural and urban cooperatives of all types shall be self-governed according to the provisions of the law and of their statutes; they shall be under the protection and supervision of the State which is obliged to provide for their development.

6. Establishment by law of compulsory cooperatives serving purposes of common benefit or public interest or common exploitation of farming areas or other wealth producing sources shall be permitted, on condition however that the equal treatment of all participants shall be assured.

Article 13

1. Freedom of religious conscience is inviolable. The enjoyment of civil rights and liberties does not depend on the individual's religious beliefs.

2. All known religions shall be free and their rites of worship shall be performed unhindered and under the protection of the law. The practice of rites of worship is not allowed to offend public order or the good usages. 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 imposed or administered except as specified by law and in the form determined by law.

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 publication which is 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 may be lodged with the Court of Appeals and the Supreme Civil and Criminal Court by the publisher of the newspaper or other printed matter seized and by the public prosecutor.

5. The manner in which full retraction shall be made in cases of inaccurate publications shall be determined by law.

6. After at least three convictions within five years for the criminal acts defined under paragraph 3, the court shall order the definitive ban or the temporary suspension of the publication of the paper and, in severe cases, shall prohibit the convicted person from practising the profession of journalist as specified by law. The ban or suspension of publication shall be effective as of the date the court order becomes irrevocable.

7. Press offences shall be subject to immediate court hearing and shall be tried as provided by law.

8. The conditions and qualifications requisite for the practice of the profession of journalist shall be specified by law.

9. The law may specify that the means of financing newspapers and periodicals should be disclosed.

Article 15

1. The protective provisions for the press in the preceding article shall not be applicable to films, sound recordings, radio, television or any other similar medium for the transmission of speech or images.

2. Radio and television shall be under the immediate control of the State and shall aim at the objective transmission, on equal terms, of information and news reports as well as works of literature and art; the qualitative level of programs shall be assured in consideration of their social mission and the cultural development of the country.

Article 16

1. Art and science, research and teaching shall be free and their development and promotion shall be an 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 consciousness and at their formation as free and responsible citizens.

3. The number of years of compulsory education shall be no 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 law legal persons. These institutions shall operate under the supervision of the State and are entitled to financial assistance from it; they shall operate on the basis of statutorily enacted by-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 substantive conditions provided by 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 determined 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 the 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 under the protection of the State; rights deriving therefrom, however, may not be exercised contrary to the public interest.

2. No one shall be deprived of his property except for public benefit which must be duly proven, when and as specified by statute 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 publication 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 publication of the court ruling, otherwise the expropriation shall be revoked ipso jure.

The compensation as such is exempt from any taxes, deductions or fees.

5. The cases in which compulsory compensation shall be paid to 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 said 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 appropriate depth without compensation, may be allowed by law for the execution of works of evident public utility for the State, public law legal persons, local government agencies, public utility agencies and public enterprises, on condition that the normal 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 laws.

4. The 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 restructuring 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, the law may provide for other necessary deprivations of the free use and enjoyment of property, owing to special circumstances. The law shall specify the obligor and the procedure of payment to the person entitled to compensation for the use or enjoyment, which must be commensurate to the conditions present on each occasion.

Measures imposed in accordance with this paragraph shall be lifted as soon as the special reasons that necessitated them cease to exist. In case of undue prolongation of the measures, the Supreme Administrative Court 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. Compulsory joint 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 applicable 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, with the exception of 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 this secrecy for reasons 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 also applies in any administrative action or measure adopted at the expense of his rights or interests.

Article 21

1. The family, being the cornerstone 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, 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 workers, irrespective of sex or other distinctions, shall be entitled to equal pay for work of equal value.

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 determined 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 contribution 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 include the definition of the manner of collection and the agent obliged to collect and return to trade unions membership fees, specified in their respective by-laws.

Article 23

1. The State shall adopt due measures safeguarding the freedom to unionise 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 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 law legal persons 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 society as a whole. These limitations may not be carried to the point of abolishing the right to strike or hindering the lawful exercise thereof.

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 benefit of the national economy.

2. The master plan of the country, and the arrangement, development, urbanisation 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 urbanisation, properties 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 the basic public urban 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 apartments of equal value in the parts of such areas that shall finally be designated as suitable for construction or in buildings of the same area.

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 allotted to 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 society are guaranteed by the State and all agents of the State shall be obliged to ensure the unhindered exercise thereof.

2. The 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. The abusive exercise of rights is not permitted.

4. The State has 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. The legislative powers shall be exercised by the Parliament and the Presidents of the Republic.

2. The executive powers shall be exercised by the President of the Republic and the Government.

3. The judicial powers shall be exercised by 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 Country can be made without a statute passed by an 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 an absolute majority of the total number of Members of Parliament.

Article 28

1. The generally recognised rules of international law, as well as international conventions as of the time they are sanctioned by statute and become operative according to their respective conditions, 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 applic-

able 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 an 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. Manifestations 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 law legal persons, 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 articles 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

To be eligible for election to the presidency, a person must be a Greek citizen for at least five years, be of Greek descendance from the father's line, have attained the age of forty and be legally entitled to vote.

Article 32

* 1. The President of the Republic shall be elected by the Parliament through vote by roll call in a special session called for this 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. In all cases, the election of a President shall 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.

Should the said majority not be attained, the ballot shall be repeated after five days.

Should the second ballot fail to produce 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 produce the said qualified majority, Parliament shall be dissolved within ten days of the ballot, and elections for a new Parliament shall be called.

As soon as the Parliament thus elected shall have constituted itself as a body, it shall proceed through vote by roll call 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 an 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 majority shall be deemed elected President of the Republic.

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

If the Parliament has been dissolved in any way whatsoever, the election of the President of the Republic shall be postponed until the new Parliament shall have constituted itself 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 to discharge 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 assume the exercise of his duties 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 assuming the exercise of his duties, 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 safeguard the Constitution and the laws, to care for the faithful observance thereof, to defend the national independence and territorial integrity of the Country, to protect the rights and liberties of the Greeks and to serve the general interest and the progress of the Greek People".

3. A statute 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 the Parliament; or if there is no Parliament, by the Speaker of the preceding Parliament and, should the latter refuse or not exist, by the Cabinet collectively.

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

2. Should the incapacity of the President of the Republic to discharge his duties be prolonged for a period exceeding thirty days, the Parliament is mandatorily convoked even if it has been dissolved, for the purpose of deciding, 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 be valid 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 Cabinet has been relieved of its duties as provided by article 38 paragraph 1, and the Prime Minister fails to countersign the relative decree, this shall be signed by the President of the Republic alone.

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

- a) The appointment of the Prime Minister.
- b) The assignment of an exploratory mandate in accordance with article 37, paragraphs 2, 3 and 4.
- c) The dissolution of the Parliament in accordance with articles 32 paragraph 4, and 41 paragraph 1, if the Prime Minister fails to countersign, and in accordance with article 53 paragraph 1 if the Cabinet fails to countersign.
- d) The return to Parliament of a voted Bill or law proposal in accordance with article 42 paragraph 1.
- e) The staff appointments to the administrative services of the Presidency of the Republic.

* 3. The decree to proclaim a referendum on a Bill, as provided by article 44 paragraph 2, shall be countersigned by the Speaker of the Parliament.

Article 36

1. The President of the Republic, complying absolutely with the

provisions of article 35 paragraph 1, shall represent the State internationally, declare war, conclude treaties of peace, alliance, economic cooperation and participation in international organizations or unions and he shall announce them to the Parliament with the necessary clarifications, whenever the interest and the security of the State thus allow.

2. Conventions on trade, taxation, economic cooperation and participation in international organizations or unions and all others containing concessions for which, according to other provisions of this Constitution, no provision can be made without a statute, or which may burden the Greeks individually, shall not be operative without ratification by a statute voted by the Parliament.

3. Secret articles of an agreement may in no case reverse the open ones.

4. The ratification of international treaties may not be the object of delegation of legislative power 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 Cabinet and the Undersecretaries.

* 2. The leader of the party having the absolute majority of seats in Parliament shall be appointed Prime Minister. If no party has the absolute majority, the President of the Republic shall give the leader of the party with a relative majority an exploratory mandate in order to ascertain the possibility of forming a Government enjoying the confidence of the Parliament.

* 3. If this possibility cannot be ascertained, the President of the Republic shall give the exploratory mandate to the leader of the second largest party in Parliament, and if this proves to be

unsuccessful, to the leader of the third largest party in Parliament. Each exploratory mandate shall be in force for three days. If all exploratory mandates prove to be unsuccessful, the President of the Republic summons all party leaders, and if the impossibility to form a Cabinet enjoying the confidence of the Parliament is confirmed, he shall attempt to form a Cabinet composed of all parties in Parliament for the purpose of holding parliamentary elections. If this fails, he shall entrust the President of the Supreme Administrative Court or of the Supreme Civil and Criminal Court or of the Court of Auditors to form a Cabinet as widely accepted as possible to carry out elections and dissolves Parliament.

* 4. In cases that a mandate to form a Cabinet or an exploratory mandate is given in accordance with the aforementioned paragraphs, if the party has no leader or party spokesman, or if the leader or party spokesman has not been elected to Parliament, the President of the Republic shall give the mandate to a person proposed by the party's parliamentary group. The proposal for the assignment of a mandate must occur within three days of the Speaker's or his Deputy's communication to the President of the Republic about the number of seats possessed by each party in Parliament; the aforesaid communication must take place before any mandate is given.

**Interpretative clause:*

As far as exploratory mandates are concerned, when parties have an equal number of seats in Parliament, the one having acquired more votes at the elections, precedes the other. A recently formed party with a parliamentary group, as provided by the Standing Orders of Parliament, follows an older one with an equal number of seats. In both these instances, exploratory mandates cannot be given to more than four parties.

Article 38

* 1. The President of the Republic shall relieve the Cabinet from its duties if the Cabinet resigns, or if Parliament withdraws its confidence, as specified in article 84. In such cases, the provisions of paragraphs 2, 3 and 4 of article 37 are analogously applied.

If the Prime Minister of the resigned Cabinet is also the leader or party spokesman of the party with an absolute majority of the total number of Members in Parliament, then the provision of article 37 paragraph 3, section c is analogously applied.

* 2. Should the Prime Minister resign or be deceased, the President of the Republic shall appoint as Prime Minister the person proposed by the parliamentary group of the party to which the former belonged. Such proposal must be submitted within three days at the latest. Until the appointment of the new Prime Minister, the discharge of the Prime Minister's duties is undertaken by the first in order Deputy Prime Minister or Minister.

**Interpretative clause:*

The provision of paragraph 2 is also applied in the case of replacement of the President of the Republic, as provided in article 34.

Article 39

* [Repealed by the 1986 Amendment]

Article 40

1. The President of the Republic shall convoke 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 by 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 the Parliament when two Governments have resigned or have been voted down by Parliament and its composition fails to guarantee governmental stability. Elections are held by the Government enjoying the confidence of the dissolving Parliament. In all other cases the third section of paragraph 3 of article 37 is analogously applied.

* 2. The President of the Republic shall dissolve the Parliament on the proposal of the Cabinet which 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. Dissolution of the new Parliament for the same issue is precluded.

3. The decree concerning the dissolution of the 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 another thirty days of the elections.

* 4. The 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 those cases described in article 37 paragraph 3 and paragraph 1 of the present article.

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

**Interpretative clause:*

In all cases and without any exception, the decree concerning

the dissolution of Parliament must contain a proclamation of elections to be held within thirty days and the convocation of the new Parliament within thirty days of the elections.

Article 42

* 1. The President of the Republic shall promulgate and publish the statutes passed by the Parliament within one month of the vote. The President of the Republic may, within the time-limit provided for in the preceding sentence, send back a Bill passed by Parliament, stating his reasons for this return.

* 2. A Bill sent back to Parliament by the President of the Republic shall be introduced to the Plenum and, if it is passed again by an absolute majority of the total number of members, following the procedure provided in article 76 paragraph 2, the President of the Republic is bound to promulgate and publish it within ten days of the second vote.

* 3. [Paragraph 3 repealed by the 1986 Amendment].

Article 43

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

2. The issuance of general regulatory decrees, by virtue of special delegation granted by statute and within the limits of such delegation, shall be permitted on the proposal of the competent Minister. Delegation for the purpose of issuing regulatory acts by other administrative organs shall be permitted in cases concerning the regulation of more specific matters or matters of local interest or of a technical and detailed nature.

* 3. [Paragraph 3 repealed by the 1986 Amendment].

4. By virtue of statutes passed by the Plenum of the Parliament,

delegation may be given for the issuance of general regulatory decrees for the regulation of matters specified by such statutes in a broad framework. These statutes shall set out the general principles and directives of the regulation to be followed and shall set time-limits within which the delegation must be used.

5. Matters which, as specified in article 72 paragraph 1, belong to the competence of the plenary session of the Parliament, cannot be the object of delegation as specified in the preceding paragraph.

Article 44

1. Under extraordinary circumstances of an urgent and unforeseeable need, the President of the Republic may, upon 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 in force.

* 2. The President of the Republic shall by decree proclaim a referendum on crucial national matters following a resolution voted by an absolute majority of the total number of Members of Parliament, taken upon proposal of the Cabinet.

A referendum on Bills passed by Parliament regulating important social matters, with the exception of the fiscal ones shall be proclaimed by decree by the President of the Republic, if this is decided by three-fifths of the total number of its members, following a proposal of two-fifths of the total number of its members, and as the Standing Orders and the law for the application of the present paragraph provide. No more than two proposals to hold a

referendum on a Bill can be introduced in the same parliamentary term.

Should a Bill be voted, the time-limit stated in article 42 paragraph 1 begins the day the referendum is held.

* 3. The President of the Republic may under exceptional circumstances address messages to the People with the consent opinion of the Prime Minister. Those messages should be countersigned by the Prime Minister and published in the Government Gazette.

Article 45

The President of the Republic is the commander in chief of the Nation's Armed Forces, the command of which shall be exercised by the Government, as specified by law. The President shall also 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 the relevant law.

Article 47

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

* 3. Amnesty may be granted only for political crimes, by statute passed by the Plenum of the Parliament with a majority of three-fifths of the total number of members.

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

Article 48

* 1. In case of war or mobilization owing to external dangers or an imminent threat against national security, as well as in case of an armed coup aiming to overthrow the democratic regime, the Parliament, issuing a resolution upon a proposal of the Cabinet, puts into effect throughout the State, or in parts there of the statute on the state of siege, establishes extraordinary courts and suspends the force of the provisions of articles 5 paragraph 4, 6, 8, 9, 11, 12 paragraphs 1 to 4 included, 14, 19, 22 paragraph 3, 23, 96 paragraph 4, and 97, in whole or in part. The President of the Republic publishes the resolution of Parliament.

The resolution of Parliament determines the duration of the effect of the imposed measures, which cannot exceed fifteen days.

* 2. If the Parliament is absent or if it is objectively impossible that it be convoked in time, the measures mentioned in the preceding paragraph are taken by presidential decree issued on the proposal of the Cabinet. The Cabinet shall submit the decree to Parliament for approval as soon as its convocation is rendered possible, even when its term has ended or it has been dissolved, and in any case no later than fifteen days.

* 3. The duration of the measures mentioned in the preceding paragraphs may be extended every fifteen days, only upon resolution passed by the Parliament which must be convoked regardless of whether its term has ended or whether it has been dissolved.

* 4. The measures specified in the preceding paragraphs are lifted ipso jure with the expiration of the time-limits specified in paragraphs 1, 2 and 3, provided that they are not extended by a resolution of Parliament, and in any case with the termination of war if this was the reason of their imposition.

* 5. From the time that the measures referred to in the previous paragraphs come into effect, the President of the Republic may, following a proposal of the Cabinet, issue acts of legislative content to meet emergencies, or to restore as soon as possible the functioning of the constitutional institutions. Those acts shall be submitted to Parliament for ratification within fifteen days of their issuance or of the convocation of Parliament in session. Should they not be submitted to Parliament within the above-mentioned time-limit, or not be approved by it within fifteen days of their submission, they cease henceforth to be in force. The statute on the state of siege may not be amended during its enforcement.

* 6. The resolutions of Parliament referred to in paragraphs 2 and 3 shall be adopted by a majority of the total number of members, and the resolution mentioned in paragraph 1 by a three-fifths majority of the total number of members. Parliament must decide these matters in only one sitting.

* 7. Throughout the duration of the application of the measures of the state of emergency taken in accordance with the present article, the provisions of articles 61 and 62 of the Constitution shall apply ipso jure 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 acts performed in the discharge of his duties, except only for high treason or intentional 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 the Parliament in a plenary session.

Article 50

The President of the Republic shall have no 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 statute; 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 the citizens who have the right to vote, as specified by law. The law cannot abridge the right to vote except in cases where a minimum 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 the Country may be specified by law.

5. The exercise of the right to vote shall be compulsory. Exceptions and criminal sanctions 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. Criminal sanctions for violations of this provision shall be specified by law.

Article 53

1. The Members of Parliament shall be elected for a term of four consecutive years, commencing on the day of the general elections. Upon expiration of the parliamentary term, there shall be proclaimed by presidential decree countersigned by the Cabinet, general parliamentary elections to be held within thirty days and the convocation of the new Parliament in regular session within another thirty days.

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 the Members of Parliament.

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 Parliament dissolved shall be recalled ipso jure until that time.

Article 54

1. The electoral system and election districts shall be specified by law.

2. The number of Members of Parliament elected in each electoral district shall be specified by presidential decree on the basis of the legal population thereof, as it appears in the latest census.

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

CHAPTER TWO

Disqualifications and Incompatibilities for Members of Parliament

Article 55

1. To be elected as Member of Parliament, one must be a Greek citizen, have the legal capacity to vote and have attained the age of twenty-five years on the day of the 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 law legal persons, mayors and community presidents, governors or chairmen of the boards of directors of public law legal persons or of public or municipal 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 law legal persons 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 election district 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 the lower personnel of the 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 member of a board of directors, governor, general manager or their alternates, or those of employee of commercial company or enterprise enjoying special privileges or subsidies by the State, or to which concession of public enterprise has been granted.

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 law legal persons 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 such 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 concluded by commercial companies 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

The hearing of objections raised against the validity of parliamentary elections and their verification concerning either electoral violations related to the conduct of the elections, or the lack of legal qualifications, is assigned to the Supreme Special Court of 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 a public sitting.

"I swear in the name of the Holy Consubstantial and Indivisible Trinity to keep 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 according to the form of their own religion or creed.

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

Article 60

1. Members of Parliament enjoy unrestricted freedom of opinion and right to vote according to their conscience.

2. The resignation from parliamentary office is a right of the Member of Parliament and is effectuated as soon as the Member of Parliament submits a written declaration to the Speaker of the Parliament; this declaration is irrevocable.

Article 61

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

2. A Member of Parliament may be prosecuted only for libel, according to the law, after leave has been granted by Parliament. The Court of Appeals shall be competent to hear the case. Such leave is deemed to be conclusively denied if Parliament does not decide within forty-five days from the date the charges have been submitted 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 the parliamentary term the 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 the election of the 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 transmitted to the Speaker.

The three month limit is suspended during the Parliament's recess.

No leave is required when Members of Parliament are caught in the act of committing a felony.

Article 63

1. For the discharge of their duties, Members of Parliament shall be entitled to receive compensation and expenses from the State; the amount of both shall be determined by the Plenum of the Parliament.

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

Article 64

1. The Parliament shall convene, ipso jure, on the first Monday of the month of October of each year in a regular session to conduct its annual business, unless convoked 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 is 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 by the Plenum 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 other members of the Presidium 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 the Parliament may reprimand the Speaker or a member of the Presidium thus causing the termination of his tenure.

4. The Speaker directs the business of Parliament; he cares to ensure the unhindered conduct of the business, safeguards the freedom of opinion and expression of the Members of Parliament 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 research service to the 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 the Parliament under the supervision of the Speaker; all matters concerning its personnel shall likewise be regulated. Acts of the Speaker concerning the appointment and the professional status of the personnel of the Parliament shall be subject to recourse on points of act and points of law or petition for annulment lodged with the Supreme Administrative Court.

Article 66

1. The Parliament shall hold public sittings in the Chamber; however, upon the Government's petition or upon the petition of fifteen Members of Parliament and pursuant to a majority decision reached in a closed meeting, the Parliament may deliberate behind closed doors. Thereafter Parliament shall resolve whether the debate on the same subject shall be repeated in an open 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 when discussing matters for which they are competent.

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

Article 67

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 the Members of Parliament.

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 falling within the jurisdiction of the Plenum of the Parliament and of its Sections.

2. Parliament shall set up investigation committees from among its members by a resolution supported by 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 an 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 appear at his own initiative before the Parliament to make an oral or written report. Reports shall be presented through a member or shall be handed over to the Speaker. Parlia-

ment shall have the right to forward any reports addressed thereto to the Ministers and Undersecretaries who shall be obliged to offer explanations when so requested.

Article 70

1. The Parliament shall conduct its legislative business in Plenum.

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 the number of two, subject to the restrictions of article 72. The composition and operation of Sections shall be decided at the beginning of each session by an 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 apply to its functioning either in Plenum or in 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 by the Plenum 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 statutes belonging to the competence 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

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 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.

The Parliament in Plenum 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 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 resolution of the Plenum shall be binding on the Sections.

4. The Government may introduce a Bill of major importance for debate and voting in the Plenum instead of the Sections.

5. The Plenum of Parliament may demand, by resolution adopted by the absolute majority of the total number of members, that a Bill 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 introduce Bills belongs to the Parliament and the Government.

2. Bills pertaining in any way to the granting of a pension and the prerequisites thereof shall be introduced only by the Minister of Finance after an opinion of the Court of Auditors; in the case of pensions burdening on the budget of local government agencies or other public law legal persons, Bills shall be submitted by the competent Minister and the Minister of Finance. Pensions must be proposed by means of special Bills; the insertion of provisions pertaining to pensions, in Bills introduced in order to regulate other matters, is not permitted under penalty of nullity.

3. No Bill or amendment or addition which originated in Parliament shall be introduced for debate if it results in an expenditure or a reduction of revenues or assets for the State or local government agencies or other public law legal persons, 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 shall be acceptable in the case of Bills concerning the organization of public services and agencies of public interest, the status of public servants in general, military and security corps officers, employees of local government agencies or other public law legal persons 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 law legal persons must be countersigned by the Minister of Coordination and the Minister of Finance.

Article 74

1. Every Bill must be accompanied by an explanatory report; before it is introduced to the Plenum 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 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 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 submitted by Members of Parliament, to Bills for which the Plenum or the Sections of Parliament are competent, 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 for the amendment of a provision of a statute shall not be introduced for debate if the accompanying explanatory report does not contain the full text of the provision to be amended and if the text of the Bill does not contain the full text of the new provision as amended.

5. A Bill 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.

Parliament shall resolve in case of contestation.

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

Article 75

1. Any Bill which results in burdening the Budget, if 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 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 private Member's Bill shall be introduced for debate without it.

2. The same shall apply for 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 Government's Bill resulting in 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 they will be covered, signed by the competent Minister and the Minister of Finance.

Article 76

1. Every Bill introduced to 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 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 its total members.

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

4. A Bill 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 of particular 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 number of Members of Parliament. The duration of each speech shall be specified by the Standing Orders.

6. Judicial or administrative codes drafted by special committees established under special statutes may be voted through in the Plenum of the Parliament by a special statute ratifying the code as a whole.

7. Likewise, legislative provisions in force may be codified by simple classification, or repealed statutes may be reenacted as a whole, with the exception of statutes concerning taxation.

8. A Bill 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 statutes shall rest with the legislative power.

2. A statute 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 statute 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 statute 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 statute 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 subject to legislative delegation.

This prohibition does not preclude the determination by law 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. It shall, exceptionally, be permitted to impose by means of delegation granted in framework by statute, balancing or counter-active charges or duties, and to impose, within the framework of the country's international relations to economic organizations, economic measures or measures concerning the safeguarding of the country's foreign exchange position.

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 introduced to the Parliament by the Minister of Finance at least one month before the beginning of the fiscal year and shall be voted as specified by the Standing Orders, which shall also 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 be inoperative for any reason whatsoever, they shall be administered in accordance with a special statute to be enacted every time.

5. Should it be impossible to vote the budget or to pass the special statute defined in the preceding paragraph due to the end of the Parliamentary term, the force of the budget for the fiscal year just ended or ending shall be extended for four months by decree issued upon proposal of the Cabinet.

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

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 approved by the Plenum of the Parliament as specified by statute.

Article 80

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

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 functioning of the Cabinet shall be specified by law. One or more Ministers may be appointed Vice Presidents of the Cabinet, by decree initiated by the Prime Minister.

A statute 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 Undersecretaries.

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

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 activities may be established by statute.

5. In the absence of a Vice President, 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 shall direct the actions of the Government and of the public services in general, for the implementation of Government policy within the framework of the laws.

Article 83

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

2. Undersecretaries shall exercise the powers 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 convoked 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, exceptionally, be submitted before the lapse of six months, if it is signed by the majority of the total number of Members of Parliament.

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

5. The vote on a motion of confidence or censure is held immediately after 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 an absolute majority of the present Members of Parliament, which however cannot be less than the two-fifths of the total number of the members.

A motion of censure shall be adopted only if it is approved by an absolute majority of the total number of Members of Parliament.

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 severally for the actions or omissions within his powers,

according to the provisions of statutes 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 Cabinet and Undersecretaries before an ad hoc court, according to the statutes on the liability of Ministers. This court is presided by the President of the Supreme Civil and Criminal Court and shall be composed of twelve judges chosen by lot by the Speaker of Parliament in public sitting from among the members of the Supreme Civil and Criminal Court and the Presidents of Civil and Criminal Courts of Appeal who held office prior to the accusation, as specified by statute.

2. Prosecution, judicial inquiry or preliminary judicial inquiry 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 which may establish responsibility of a member of the Cabinet or an Undersecretary in accordance with the provisions of the statute on the liability of Ministers, those in charge of the inquiry shall, after its termination, forward the evidence to Parliament through the competent Public Prosecutor.

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 lapse of prescribed limitation, Parliament may, at the request of the accused person, decide the establishment of a Special Committee of Members of Parliament and senior 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. In the discharge of their duties, judges shall be subject only to the Constitution and the laws; in no case whatsoever shall they be obliged to comply with provisions enacted in violation of the Constitution.

3. Regular judges shall be inspected by judges of a superior rank, as well as by the Public Prosecutor and the Deputy Prosecutor of the Supreme Civil and Criminal Court; Public Prosecutors shall be inspected by the Supreme Civil and Criminal 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 selection and are appointed 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 statutes.

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

4. Judicial functionaries may be dismissed only pursuant a court judgment resulting from a criminal conviction or a grave disciplinary breach or illness or disability or professional incompetence, confirmed as specified by law and in compliance with the provisions of article 93 paragraphs 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 of a rank higher than the one stated, or of a 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 Civil and Criminal Court as well as to fill up posts of associate judges to courts of first instance, or of associate prosecutors to public prosecutors offices; the transfer shall be permitted upon request of those concerned, as specified by law.

7. Courts or councils especially provided by the Constitution and composed of members of the Supreme Administrative Court and the Supreme Civil and Criminal Court shall be presided over by the senior in rank member.

Interpretative clause:

In the true sense of article 88, appointment to the post of

associate councillors and councillors to the Court of Auditors 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 or committees, but not on the boards of directors of enterprises or commercial companies.

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, assignments to posts, transfers, detachments, and transfers to another branch of judicial functionaries shall be effected by presidential decree, issued after prior decision by the Supreme Judicial Council. This Council shall be composed of the president of the respective highest court and of 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 Civil and Criminal Court participates in the Supreme Judicial Council on civil and criminal justice, while the General Commissioner of State to the Court of Auditors shall participate in the corresponding judicial council.

2. In the case of judgments concerning promotions to the posts of Councillors of State, Supreme Civil and Criminal Court Judges, Deputy Prosecutors of the Supreme Civil and Criminal Court, President Judges of Appeals, Prosecutor of Appeals and Councillor to the Court of Auditors, 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 should disagree with the judgement of a Supreme Judicial Council, he may refer the matter to the plenum of the respective highest court, as specified by law. A judicial functionary left out of promotion has also the right of recourse to the plenum, under the conditions specified by law.

4. The decision of the plenum on a matter referred to it and the decisions of the Supreme Judicial Council 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 Supreme Administrative Court, the Supreme Civil and Criminal Court and the Court of Auditors 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 Civil and Criminal Court Prosecutor shall be effected by similar decree and upon selection from among the members of the Supreme Civil and Criminal 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 remedies before the Supreme Administrative Court.

Article 91

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

Disciplinary action shall be initiated by the Minister of Justice.

2. The Supreme Disciplinary Council shall be composed of the President of the Supreme Administrative Court as Chairman, and of two Vice-Presidents or Councillors of the Supreme Administrative Court, two Vice-Presidents or members of the Supreme Civil and Criminal Court, two Vice-Presidents or Councillors of the Court of Auditors and two law professors from the Law Schools of the country's universities, as members. The members of the Council shall be chosen by lot from among those having at least three years of service in the respective highest in rank 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 Supreme Administrative Court, the Supreme Disciplinary Council shall be presided over by the President of the Supreme Civil and Criminal 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 initiated by the Minister of Justice.

4. Disciplinary rulings in accordance with the provisions of this Article shall not be subject to remedies before the Supreme Administrative Court.

Article 92

1. The civil servants of all courts' offices and prosecutors' offices shall be permanent. They may be dismissed only pursuant to a court judgement resulting from a criminal conviction or to decision of a judicial council on account of a grave disciplinary breach, illness or disability, or professional incompetence which shall be ascertained, as specified by law.

2. The qualifications of the civil servants of all courts' offices and prosecutors' offices and their general status shall be specified by law.

3. Promotions, assignments to posts, transfers, detachments and transfers to another branch of the above mentioned civil servants shall be effected with the consent of a judicial council; disciplinary authority over them shall be exercised by the hierarchically superior judges, prosecutors or commissioners and also by the judicial councils, as specified by law.

Recourse against decisions on promotions or against the disciplinary decisions of judicial councils shall be permitted, as specified by law.

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

5. Retirement shall be compulsory for notaries public and unsalaried registrars of mortgages and property transfers upon attainment of the age of seventy years; all others shall be obliged to retire upon attainment of the age specified by law.

CHAPTER TWO

Organization and Jurisdiction of the Courts

Article 93

1. Courts are distinguished into administrative, civil and criminal courts, and they are organized by special statutes.

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

3. Every court judgment must be specifically and thoroughly reasoned and must be pronounced in a public sitting. Publication of the dissenting opinion shall be compulsory. Law shall specify matters concerning the entry of any dissenting opinion into the minutes as well as the conditions and prerequisites for the publicity thereof.

4. The courts shall be bound not to apply a statute whose content is contrary to the Constitution.

Article 94

1. The hearing of substantive administrative disputes belongs to the jurisdiction of existing ordinary administrative courts. Such disputes which have not yet come under the jurisdiction of those 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 substantive administrative disputes come under the jurisdiction of ordinary administrative courts, either as a whole or by category, they shall continue to fall under the jurisdiction of civil courts, with the exception of those for which special administrative courts have been established under special

statutes; 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. Other competences of an administrative nature, 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 ordinary administrative courts.

Article 95

1. The jurisdiction of the Supreme Administrative Court pertains mainly to:

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

b) The reversal upon petition of final judgements of administrative courts for excess of power or violation of the law.

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

d) The elaboration of all decrees of a general regulatory nature.

2. The provisions of article 93 paragraphs 2 and 3 hereinabove shall not be applicable in the exercise of the competence specified under subparagraph (d) of the preceding paragraph.

3. The trial of categories of cases which come under the Supreme Administrative Court's jurisdiction for annulment may by law come under ordinary administrative courts of another instance, the appellant jurisdiction of the Supreme Administrative Court being, however, reserved.

4. The jurisdiction of the Supreme Administrative Court shall be regulated and exercised as specifically provided by law.

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

Article 96

1. The punishment of crimes and the of all measures provided by criminal laws, belongs to the jurisdiction of regular criminal courts.

2. Statutes may: (a) assign the trial of police offences punishable by fine to authorities exercising police duties, (b) assign the trial of petty offences related to agrarian property and private disputes arising therefrom, to agrarian security authorities

In both cases judgments shall be subject to appeal before the competent ordinary court; such appeal shall suspend the execution of the judgment.

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

4. Special statutes provide for:

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

b) Prize courts.

5. The courts specified under section (a) of the previous paragraph shall be composed in majority of members of the judicial branch of the armed forces, vested with the guaranties of functional and personal independence specified in article 87 paragraph 1 of the Constitution. The provisions of paragraphs 2 to 4 of article 93 shall apply to the sittings and judgements 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 entry into force of this Constitution have, by constituent acts, parliamentary resolutions and special statutes, come under the jurisdiction of courts of appeal shall continue to be tried by the said courts, as long as a statute 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 statute.

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 Court of Auditors pertains mainly to:

a) The audit of the State's expenditures, and of local government agencies or other public law legal persons subject to its audit by special laws.

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

c) Advisory opinions concerning statutes on pensions or on the recognition 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 law legal persons specified in subparagraph (a).

e) The trial of legal remedies on disputes concerning the granting of pensions and the audit of accounts in general.

f) The trial of cases related to liability of civil or military servants of State and local government agency civil servants for any loss, through malicious intent or negligence, incurred upon the State or upon the above agencies and legal persons.

2. The authority of the Court of Auditors 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 (a) through (d) of the preceding paragraph.

3. The judgments of the Court of Auditors in the cases specified in paragraph 1 shall not be subject to the control of the Supreme Administrative Court.

Article 99

1. Suits against judicial functionaries for faulty wrongful judgment shall be tried, as specified by law, by a special court composed of the President of the Supreme Administrative Court, as President, and one Councillor of the Supreme Administrative Court, one Supreme Civil and Criminal Court judge, one Councillor of the Court of Auditors, two 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, as members, all of whom shall be chosen by lot.

2. Each time, that member of the special court shall be exempted who belongs to the judicial corps or branch, the actions or omissions of a functionary of which the court is called upon to judge. In the case of a suit against a member of the Supreme Administrative Court or a functionary of the ordinary administrative courts, the special court shall be presided over by the President of the Supreme Civil and Criminal Court.

3. No permission shall be required to institute a suit for faulty wrongful judgement.

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 Supreme Administrative Court and the ordinary administrative courts on one hand and the civil and criminal courts on the other, or between the Court of Auditors and any other court.
- e) Settlement of controversies on whether the content of a statute enacted by Parliament is contrary to the Constitution, or on the interpretation of provisions of such statute when conflicting judgments have been pronounced by the Supreme Administrative Court, the Supreme Civil and Criminal Court or the Court of Auditors.

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 Supreme Administrative Court, the President of the Supreme Civil and Criminal Court and the President of the Court of Auditors, four Councillors of the Supreme Administrative Court and four members of the Supreme Civil and Criminal Court chosen by lot for a two-year term. The Court shall be

presided over by the President of the Supreme Administrative Court or the President of the Supreme Civil and Criminal Court, according to seniority.

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

3. The organization and functioning 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 statute.

4. The judgments of this Court shall be irrevocable.

Provisions of a statute 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 according to the principle of decentralization.

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

3. Regional State officers shall have general decisive authority on matters of their district, while the central services shall have, in addition to special powers, the general guidance, coordination and supervision of the regional officers, 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 sanctions of suspension and dismissal from office of elected officers 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 the funds necessary to fulfil 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 their appointment shall be specified by law.

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

3. Posts of specialized scientific and technical or auxiliary personnel provided by law, 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 posts provided by law 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 Supreme Administrative Court, as specified by law.

5. Highest civil 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 offices 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 entirely subject to its Standing Orders, and to the civil servants of local government agencies and other public law legal persons.

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 law legal persons, or of public enterprises or public utility agencies. As an exception, appointment to a second post may be permitted by special statute, 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 the total salary received per month from their post which is provided by law.

3. No prior permission shall be required to bring to trial civil servants or employees of local government agencies or of 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 direct jurisdiction of the Ecumenical 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, according to 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.

The administration of Aghion Oros 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 the Aghion Oros entities 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 Ecumenical Patriarchate and the Parliament of the Hellenes.

4. Faithful observance of the regimes of the Aghion Oros entities shall in the spiritual field be under the supreme supervision of the Ecumenical 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 the 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 frontier 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. With the reservation of 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 determined by a court and must be in full, so as to correspond 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 as is due to the monopolistic nature of the enterprise.

Article 107

1. Legislation enjoying legal force higher than that of statutes, enacted before April 21, 1967, pertaining to the protection of foreign capital, shall continue to enjoy such legal force and shall be applicable to capital imported henceforth.

The same legal force is enjoyed by the provisions of Chapters A through D of Section A of Statute 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 statute, to be promulgated once and for all within three months of the date of entry into force of this Constitution, shall specify the terms and the procedure for the revision or cancellation of administrative acts approving investments in application of legislative decree 2687/1953 and issued in any form whatsoever, or agreements contracted on investment of foreign capital 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 must take care for emigrant Greeks and for the maintenance of their ties with the Fatherland. The State shall also attend to the education, the 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 as to the provisions benefiting the State or a charitable cause is prohibited.

2. Exceptionally, 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 greater district thereabout, shall be permitted, as specified by law, after it is certified by a court judgement that for any reason whatsoever, the will of the donor or the testator cannot be fulfilled, either in whole or to its greatest extent as well as 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 determine 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 ascertained 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 specifically 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. All provisions of statutes or of administrative acts of a regulatory nature which are contrary to the Constitution, are abolished as of the date the Constitution comes into force.

2. Constituent acts promulgated between July 24, 1974 and the convocation of the Fifth Revisionary Parliament, as well as parliamentary resolutions thereof shall continue to be in force even if their provisions are contrary to the Constitution; they can be

amended or abolished by statute. As of the date of coming into force of the Constitution, the provision of article 8 of the constituent act of September 3, 1974 concerning the retirement age limit for professors of university level institutions is abolished.

3. Article 2 of the presidential decree 700 of October 9, 1974 "on the partial re-enactment of articles 5, 6, 8, 10, 12, 14, 95, and 97 of the Constitution and the lifting of the statute "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 statute.

4. The parliamentary resolution of April 16/29, 1952 shall remain in force for six months from the date of coming into force of this Constitution. Within this time-limit, the amendment, completion or abolition by statute of the constituent acts and resolutions referred to in article 3 paragraph 1 of the aforementioned 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, completed or remaining in force cannot be contrary to this Constitution.

5. Greeks deprived in any manner whatsoever of their citizenship prior to the coming into force 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 statute to regulate them, the statutes or the administrative acts of a regulatory nature which are in force,

as the case may be, at the time this Constitution comes into force, shall remain in force until the statute shall be promulgated, with the exception of those which are contrary to the 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 coming into force of each of the statutes especially provided therein which must be promulgated at the latest by the end of the year 1976. Until the statute provided for in article 109 paragraph 2 comes into force, the already existing constitutional and legislative regulation 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 the 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 fulfilled by means of a statute, within five years of the coming into force of this Constitution.

Article 113

The Standing Orders of Parliament, the parliamentary resolutions pertaining thereto and the statutes 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 apply in a supplementary manner, as provided by article 3 of parliamentary 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 alternate, 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 the 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 within two months of the publication of this Constitution at the latest, in a special session of Parliament, to be called by the Speaker at least five days in advance; the provisions of the Standing Orders as to the election of the Speaker shall be analogously applied.

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

The statute 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 statute specified in article 33 paragraph 3, matters defined therein shall be regulated 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 assumes 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 parliamentary resolution B' of the Fifth Revisionary Parliament dated December 24, 1974.

Article 115

1. Pending the enactment of the statute 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 statute provided by article 100 must be enacted within one year, at the latest, from the coming into force of this Constitution. Pending the enactment of the said statute and the beginning of the function of the Special Highest Court:

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 verification 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 apply.

c) The settlement of conflicts specified in article 100 paragraph 1 section (d) shall come under the jurisdiction of the Court specified in article 5 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 entry into force of the statute provided by article 99, suits for faulty wrongful judgement 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 entry into force of the statute 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 entry into force of this Constitution shall remain in force. The statutes on the above matters must be promulgated not later than one year from the date of coming into force of this Constitution.

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

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

Article 116

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

2. Derogations 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 fixing the remuneration for employment 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 entry into force 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 law legal persons 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 not be altered.

5. The expropriations which have been declared or are being declared until the existing statutes 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 coming into force of the laws provided for therein.

Article 118

1. As of the date of entry into force 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 who were demoted on that basis, due to the time at which their promotion was made 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 coming into force of this Constitution.

The Highest Disciplinary Council shall decide 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 attached thereto, the retroactive payment of salary or pension being however excluded.

The decision must be pronounced within three months of commitment.

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 publication 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. The inadmissibility of petitions for annulment of acts issued between April 21, 1967 and July 23, 1974, irrespective of the way it operated, may be lifted by statute regardless of whether or not such a petition had been submitted; in no case, however, may retroactive wages be paid to persons who prevail 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 law 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 against anyone who attempts the violent abolition of the Constitution.

The paragraphs and interpretative clauses followed by an asterisk () have been the object of the 1985/86 Amendment.*

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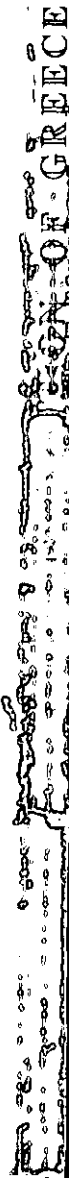
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