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NOTE

from:	Greek delegation
to:	Working Party on Legal Data Processing
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Subject:	Questionnaire on certain legislative techniques applied by the Member States Reply by Greece

1. Which body is responsible for ensuring the quality of a legislative draft?

1.4. Under Article 84 of the Constitution, the right to propose laws is vested in the Parliament and the Government. The Ministries are responsible for ensuring the completeness and quality of the draft laws they put forward. In addition, a central legislative drafting committee operates within the framework of the Parliament and has the responsibility of checking the drafts put forward from the point of view of quality and completeness.

2. Is there an established and published set of rules on drafting legislation, which has to be applied by services drafting legislation?

2.1. The Central Legislative Drafting Committee has published a booklet with guidelines for preparing draft laws and regulatory instruments.

The Central Legislative Drafting Committee is part of the General Secretariat of the Government. The Committee is responsible for: (a) editing of all draft laws and instruments with legislative content, which must be referred to it, from the point of view of coherence, legislative method and optimum formulation; (b) examination of the constitutional legitimacy of the provisions proposed and of their compatibility with Community and international law; (c) identifying the particular consequences or ramifications which the proposed provisions are likely to entail from an economic or social point of view; (d) drawing the attention of the Administration to the need for further legislative measures in order to remove possible sources of conflict or align legislation on the constitutional, Community and international legal order. (Ministerial Decision 177/2005).

3. Do you apply the procedure known as consolidation¹, when different modifying legislations are merged into one body of new legislation outside the ordinary legislative procedure?

3.1. The Ministry of Justice uses two computerised legal databases. One belongs to the Lawyers' Association of Athens, which is a public law body, and contains the basic law governing a particular matter with all the amendments which have occurred. The same system is used by the second legal database "Nomos", which is private. Both databases charge for their services.

In print form there is also the "Standing Code of Legislation", which is published by the Ministry of the Interior, Public Administration and Decentralisation. In this system, information concerning amendments to legislation is made available in loose-leaf form.

¹ According to the Interinstitutional Agreement concluded between the European Parliament, the Council of the European Union and the Commission of the European Communities **consolidation** means the regrouping of diverse fragments of legislation governing a given matter without affecting the validity of those fragments and without regrouping having any legal effect. It is a mechanical process whereby the provisions of the basic act governing a particular matter, and all its amendments are brought together, without any examination or alteration of the text. The resulting consolidated text is for information only and has no legal status. Besides consolidation done by the bodies involved in the legislative process, there can be "semi-official" consolidation work as well, done by public sector organisations other than the institutions involved in the legislative procedure. Furthermore, lower level-legislator can also be given a mandate by a higher-level legislator to collect or regroup legislation in force in a given field and publish it in one single framework. When giving their answers, delegations are requested to consider these activities as well.

4. Do you apply the procedure known as codification¹, when a whole field of legislation is conceptually redrafted in the framework of the ordinary legislative procedure?

4.1. A Central Codification Committee has been established in the General Secretariat of the Council of Ministers (Law 3133/03). Its task is to codify legislation in force into a single text. The codification process permits the restructuring of the provisions being codified, the deletion of provisions which have been expressly or tacitly repealed, the redrafting and transposition of texts into demotic Greek, the adaptation of provisions which determine competences and any necessary changes in wording. The draft laws of Codes containing formal law provisions are ratified by Parliament under a special procedure.

5. Which body notifies the General Secretariat of the Commission after the transposing legislation has been adopted?

5.5. The Ministries of Foreign Affairs and of Economic Affairs and Finance for legal acts coming under the First Pillar. Whichever Ministry is responsible for the subject matter in the case of legal acts coming under the Third Pillar. Recently the General Secretariat of the Government has also taken on responsibility in this area.

¹ According to the Interinstitutional Agreement concluded between the European Parliament, the Council of the European Union and the Commission of the European Communities **codification** means the procedure whereby the acts to be codified are repealed and replaced by a single act containing no substantive change to those acts. It therefore involves the reworking of the consolidated text into a coherent and comprehensible new single legal act formally replacing the basic act and all its amendments. This process includes the deletion of all obsolete provisions, the harmonisation of the terminology used in the new act and the determination of its recitals. It is this process which enables the mass of the legislation to be reduced whilst maintaining the substance of the legislation. Updating of legislative texts should also be included here, when the legislative concept has not changed, but the ordinary legislative procedure is used to establish more transparent legal rules.