

REPORT
on the Free Movement of Workers
in Greece in 2004

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General remarks

From a migration law point of view the year 2004 was not dominated by the major changes of Greek Law on the status of aliens (Law 2910/2001, *Official Journal of the Hellenic Republic A*, 91/02.05.2001). However, a change of this law during 2005 was announced by the Government.

With regard to EU citizens, there were no important legislative changes during the year 2004. The number of court cases based on EU law on the free movement of workers is small compared to the total number of cases relating to third country migrants. This is probably due to the fact that a relatively small number of EU citizens are employed in Greece (less than 1%), and that most of the legal issues have been resolved in the past.

The items concerning the free movement of workers following the enlargement of the European Union were not broadly discussed. This is due perhaps to the fact that the frontier countries of Greece are not concerned by this enlargement. The nationals of new EU Member States represent a small number compared to the total number of immigrants (the government decided in 2004 to proceed to a transitional arrangement for access to the country of workers who are nationals of the new EU Member States)

As regards the Commission's comment on the Greek report:

According to our Greek expert there is no more information concerning Greece. He has sent the requested information on the main legislation directly to D. Kontizas. Most of these texts have already been sent in the beginning of 2005 to the Commission as an annex to the previous reports concerning 2002-2003.

Chapter I

Entry, Residence, Departure

Entry

Text in force

The rules on free movement of workers have been implemented into Greek law by the P.D. 499/31.12.1987.

Art. 2 (1) of the above Decree contains the basic rule on the right to enter and reside for a certain period, which applies to Union citizens and, cf. art. 2 (3), members of their family.

According to art. 3 (1) of the above Decree, an EU citizen is allowed to enter simply on production of a valid passport or a national identity card.

The abovementioned rules have remained unchanged throughout 2002 and 2003.

Residence

Text in force

Article 2 (1) of the P.D. 499/31.12.1987 contains the basic rule on the right of E.U. citizens to enter and reside for up to 3 months.

Article 4 of the above Decree provides that the residence permit is valid throughout the territory and for at least five years from the date of issue.

Article 7 of the above Decree provides that a worker pursuing an activity as an employed person where the activity is not expected to last for more than three months, has the right of residence without having a residence permit, issued to him.

These rules have remained unchanged throughout 2002 and 2003.

Departure

Text in force

The rules on expulsion in Article 74 of the Greek Penal Code, Decree 4429/1964 also apply to EU citizens. Art. 11 and 12 of the P.D. 499/31.12.1987 contain the rules concerning expulsion from Greek territory on grounds of public policy, public security or public health. Art. 11 (1) of the P.D. 499/31.12.1987 provides that measures taken on grounds of public policy or of public security shall be based exclusively on the personal conduct of the individual concerned and art. 11 (2) that previous criminal convictions shall not in themselves constitute grounds for the taking of such measures.

A decision on expulsion is usually made by a court of law, but in some cases it can also be decided administratively. Appeals against administrative decisions on expulsion have suspensory effect.

Judicial practice

There are no court cases on detention or deportation of EU citizens.

Chapter II Equality of Treatment

Text in force

Maritime sector

Presidential Decree 12/1993 modified Greek legislation concerning the employment of EU citizens to posts of merchant ships flying the Greek flag. These posts are open to seamen - EU citizens in the same way as concerning the Greek citizens. The quality of seaman is appreciated according the rules of the State of his origin. Article 2, para. 3 of Presidential Decree 12/1993 provides that wherever in Greek legislation it refers to Greek seamen, this also includes nationals of EU States. Therefore, there is no field for difference of treatment between Greek and EU citizens.

Thus, there is still an exception concerning the posts of master and his substitute (chief mate). These posts are reserved to Greek nationals (art 2). This measure is reasoned by the fact that the master of a vessel is entrusted with powers under public law.

No measures have been taken or planned in order to bring the national rules into conformity with Community law as interpreted by the Court.

Knowledge of the Greek language

Article 2 (3) of Law 2431/1996 provides that the knowledge of the Greek language is necessary for employment in the public sector. The degree of knowledge of the language is defined each time by proclamation taking into account the requirements of the post of employment. Proof of the degree of knowledge of the Greek language often requires either a Bachelors certificate from a Greek High School or a special language certificate granted by the Center of Greek Language. Thus other ways of proving the degree of knowledge of the language are not provided in the proclamation of the posts, e.g. the fact that the candidate has executed the same job for a long period in Greece.

Notaries Public

Article 19 of the Code of Notaries Public (Law 2830/2000) provides that posts of Notaries Public are open only to persons of Greek nationality. Therefore, these posts are reserved to Greek nationals. This measure is reasoned by the fact that Notaries Public are entrusted with powers under public laws.

Sports field

Greek regulations concerning sportsmen provide the equal treatment of Greek and EU citizens. In the case of football (Minist. Decision 18337/2001), both groups of persons are placed in the same category of athletes, while the aliens are placed in another category. Therefore there is no limit concerning the number of athletes-nationals of EU countries employed by Greek football companies.

In other cases (basketball - Minist. Decision 14484/2001, volleyball - Minist. Decision 18540/2002) Greek and EU citizens are placed in different categories, but it is provided that for both categories there is no limit concerning the number of sportsmen employed by Greek sports associations. However, there is another category composed only by amateur players of Greek origin, aged less than 18 years and having the right to participate in national sport teams. Up to four players belonging to this category have the right to be employed by a sports company. Therefore there exists a distinction between amateurs of Greek origin and amateurs of foreign origin, even of an EU country.

Concerning the amateur sports associations, the ministerial decisions regulating the participation of sportsmen in these associations provide that citizens of EU states who reside permanently in Greece and the members of their family are entitled to be registered in the associations and to participate in the games and in every kind of championship (e.g. gymnastics, handball, swimming, tennis, horse-riding). Therefore, there is no distinction between Greek and EU citizens in this field.

Most regulations concerning the employment of sports trainers provide that only nationals have the right to be recruited as trainers. For the recruitment of aliens as trainers the permission of the General Secretary of Sports is necessary. However, they require that EU legislation must be respected. This is the case in the Regulation of football (Regulation of Greek Football Federation), basketball (Minist. Decision 41556/1992) and volleyball (Minist. Decision 1588/1993) trainers. However, in other points some differences of treatment continue to exist. It is provided that if an alien is employed as a trainer and another person is recruited as his collaborator, the latter must be a Greek citizen (Art. 1, para. 4 Minist. Decision 41556/1992 concerning basketball trainers, Art. 1, para. 5 Minist. Decision 1588/1993 concerning volleyball trainers). It is also provided that if an alien is dismissed from an association, he does not have the right to be employed during the same sports session by another association (Art. 12 Regulation of Greek Football Federation, Art. 1, para. 5 Minist. Decision 41556/1992 concerning basketball trainers, Art. 1, para. 5 Minist. Decision 1588/1993 concerning volleyball trainers). There is no distinction among aliens, citizens, and non-citizens of an EU state. Therefore, there is discrimination between Greek and EU citizens concerning the conditions of employment as sports trainers.

However, these restrictions seem not to be applied in practice.

Concerning UEFA's proposals, the Greek Football Federation agrees with them completely and is planning to implement them.

Social advantages

Art 39 of Law 2459/1997 provides that the allowances for parents having more than two children and for the members of their are also granted to the citizens of EU States who reside or work in Greece under the same conditions as to the Greek citizens.

Draft legislation

Draft legislation was presented at the end of 2004 in order to implement EC Directives 2000/43 and 2000/78 concerning the equal treatment between persons, irrespective of racial or ethnic origin, and the establishment of a general framework for equal treatment in employment and occupation. This draft was finally adopted in 2005 (law 3305/2005).

Chapter III

Employment in the Public Sector

Text in force

Approximately 35 Presidential Decrees (PD) are issued in order to specify the posts in the public sector which involve “direct or indirect participation in the exercise of powers conferred by public law and in the discharge of functions whose purpose is to safeguard the general interests of the state or of other public authorities and which therefore require a special relationship of allegiance to the state on the part of persons occupying them and reciprocity of rights and duties which form the foundation of the bond of nationality”.

Most of them provide that only persons of Greek nationality can be promoted as General Directors, Directors and Seniors of Sections of the Ministry of Finance, as security guards, policemen, firemen, frontier guards, special guards, rural policemen or civil servants of the police. But in some cases it is doubtful if the specified posts really imply the exercise of public powers or the responsibility to safeguard the interests of the State. It is provided that only persons of Greek nationality can be appointed to the Ministry of Finance as database-network-software-hardware specialists (PD 8/2002), to the Ministry of Transports and Communications as counselors of the Minister, special collaborators and journalists (PD 74/2002), as civil servants of the fire brigade (PD 88/2002).

In Greece there do not exist competition procedures which give access to training and employment afterwards in the public sector with only one exception, being the competition for recruiting judges.

The promotion to a higher grade is dependent in the service in the lower grade of the same job. Contrarily, the salary of the employees of the public sector is determined by taking into account their seniority in the public sector for every job. The seniority in the private sector is not recognized. Article 15 of Law 3205/2003 provides that the seniority in the public sector of another EU state is also taken into account in order to determine the salary of the employee.

Judicial practice

a) Article 1, para. 7 of Law 2834/2000 provides a system of recruitment of teachers of primary schools and professors of high schools taking into account, among other elements, the service of the candidate. Additional points are awarded for this service placing candidates at a higher position. The Supreme Administrative Court-Council of State (Decision 196/2004) has interpreted this regulation conforming to the European community and accepted that it shall be taken into account in the same way as the service of the candidate in another Member State.

b) Article 95 of the Greek Constitution provides that the Council of State participates, expressing its opinion, in the elaboration of all decrees of a general regulatory effect. The 61/2004 and 36/2004 Opinions of Elaboration of the Council of the State (*EDDDD* 2004, p. 310, 325) dealt with the matter of employment of EU citizens in public administration. In both cases, the Court opted for a narrow interpretation of Article 4, para. 4 of the Greek Constitution, which forbids EU citizens from having access to public posts, taking into account Article 39 para. 4 of the EC Treaty

The Court held that a post of public administration is under the sphere of application of Article 39, para. 4 only if, a) it belongs to the *stricto sensu* public administration, and b) a functional criterion is fulfilled, that is, all the duties deriving from the specific post should

relate to the exercise of public power or to safeguarding of state interests or interests of an organization or enterprise of the public sector.

In both the 61/2004 and 36/2004 Opinions of Elaboration, the Court reached the conclusion that the interdiction of EU citizens to access to posts of directors of general management, or of management of departments, or of other equivalent organic units, and to posts of political or military personnel of the Ministry of National Defense as well as to posts of court secretaries is legal, provided that the duties of these posts relate to the exercise of public power and the safeguarding of state interests on a permanent basis. On the other hand, the Court reached the conclusion that is not legal for the interdiction of EU citizens to access to posts of engineers, translators, and interpreters employed by the Greek courts, as their duties do not relate to the exercise of public power and the safeguarding of state interests on a permanent basis

Chapter IV

Family Members

Text in force

Requirements applicable to third country nationals are not applied to spouses of Greeks or other EU citizens. Article 19 of Law 3013/2002 as modified by Article 33, par. 1 of Law 2910/2001 provides that third country nationals, spouses of Greeks or other EU citizens, are granted a residence permit for a time period of at least five years. This permit also constitutes a work permit. This permit is renewed ipso facto for a time period of at least five years. The above article provides that the same permit is also valid and covers the residence of the non-married descendants who are under the age of 18 years. The above article finally provides that the residence permit under the same conditions is also granted to the widows and to the minor descendants of a deceased Greek or other EU citizen

Article 11 of Law 3074/2002 specifies that members of the family of a Greek or other EU citizen include his/her spouse, their descendants under the age of 21 years and the dependent parents of his/her spouse. Art 15 par. 5 of Law 3257/2004 modified the above article and added their dependent descendants over the age of 21 years. These persons can acquire an independent right of residence in the country in the cases enumerated by the law, i.e. when they attain the age of 21 years, when a Greek or other EU citizen is violent towards these persons, or in case of divorce.

Chapter V

Influence of Recent Judgments of the Court of Justice

Pursuant to judgment 196/2004 (*EDDDD* 2004, p. 348) the Council of State (*Symvoulío tis Epikrateias*) referred to the European Court of Justice Decisions of 23 February 1994 (C-419/92), of 15 January 1998 (C-15/96) and of 12 March 1998 (C-187/96). Article 1, para. 7 of Law 2834, providing a system of recruitment of teachers of primary schools and of professors of high schools taking into account, among other elements, the service of the candidate, shall be interpreted conforming to the European community, and it shall be taken into account in the same way as the service of the candidate in another Member State. It also referred to the European Court of Justice decisions of 3 July 1986 (C-66/85), of 27 November 1991 (C-4/91) and of 2 July 1996 (C-290/94) and accepted that the posts of professors do not involve direct or indirect participation in the exercise of powers conferred by public law.

Chapter VI

Policies of a General Nature with Possible Repercussions on the Free Movement of Union Citizens

Text in force

The question of recognition of degrees by foreign universities has been the subject of a recent legislative modification. Law 3328/2005 established a new institution, the Hellenic National Academic Recognition and Information Center. According to the declarations of the Government this law will facilitate the procedure of recognition of foreign degrees.

Draft legislation

The Greek Government declared that it is preparing to introduce a new immigration law. The bill's most laudable aspect is the combination of the residence and work permit into one document, and the issuing authorities from two to one.

Chapter VII EU Enlargement

Text in force

According to the Accession Treaty Greece has made use of the right to suspend the freedom of movement of workers and to proceed to a transitional arrangement for the access to the country of workers, who are nationals of the new EU Member States with the exception of Malta and Cyprus. These persons are considered as EU citizens excepting employment in a dependent way. By way of derogation from Articles 1 to 6 of Regulation (EEC) No 1612/68 and until the end of the two year period following the date of accession, Greece will apply national measures, regulating access to its labour markets by nationals of the new EU Member States. Nationals of the new EU Member States legally working in Greece on the date of accession and admitted to the labour market for an uninterrupted period of 12 months or longer will enjoy access to the labour market of Greece. Circulars 31411/29.6.2004 of the Ministry of Employment and 37/2004 of the Ministry of Interior Affairs contain the rules of access to the Greek labour market of the above persons. The period of employment must be proved by the accomplishment of their social security duties towards the competent entity. The Prefecture which is competent for granting a labour permit will grant the necessary attestation. This attestation will be the fundamental element for granting the residence permit by the competent authorities of the Ministry of Public Order.

Nationals of the new EU Member States legally working in Greece on the date of accession and admitted to the labour market for an uninterrupted period of less than 12 months will be considered as EU citizens concerning employment after having been employed for an uninterrupted period of 12 months. The above rules concerning the granting of a residence permit are also applied in this case.

Nationals of the new EU Member States being employed in Greece before the date of accession whose the employment permit has expired, and has not been renewed, will be considered as EU citizens after having accomplished their social security duties.

The same circular states that nationals of the new EU Member States having entered in Greece during the transitional period and employed in a dependent work, have the right to change their activity and choose an independent economic activity. However, nationals of the new EU member working in an independent economic activity do not have the right to change their activity in order to be employed in a dependent way.

Circular 30422/18.2.2005 of the Ministry of Employment provides that the above rules are also applied to nationals of the new EU Member States granted a residence permit which also constitutes a work permit (i.e spouses of Greeks or other EU citizens, tour leaders, employees of foreign embassies, members of foreign archeological schools). These persons, according to Law 2910/2001, are employed only if they desire, and their residence in Greece is not dependent on their employment. They now have the possibility to obtain a residence permit of an EU citizen under the same conditions as the other categories of nationals of the new EU Member States; that is to say that after the employment for an uninterrupted period of 12 months or longer proved by the accomplishment of their social security duties towards the competent entity or organisation.

Particularly, Circular 37/2004 of Ministry of Interior Affairs Nationals states that members of a family of a national of a new EU Member State (legally working in Greece at the date of accession and admitted to the labour market for a period of 12 months) living in Greece on the date of accession have free access to the labour market. If they are not living in Greece on

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the date of accession they will have, during transitional period, free access to the labour market after having lived in Greece for a period of 18 months.

Miscellaneous

The Athens Bar Association protested against the practice of police authorities not accepting the representation of nationals of new EU Member States by Greek lawyers in order to obtain new residence permits or other administrative documents. The Ministry of Public Order, with its document of 18 February 2005 gave instructions to the competent police authorities in order to accept this representation and to satisfy the demands of the immigrants presented in this way.

Chapter VIII

Statistics

(Source: Ministry of Public Order and Ministry of Interior Affairs February 2005)

Foreign Workers (valid permits)

Total	
Community workers	6,711
Third country workers	895,819

Repartition of community workers by sex

Total	
Men	3,418
Women	3,923

Community workers Repartition by nationality

Austria	156
Belgium	168
Cyprus	304
Czech Republic	15
Danemark	252
Estonia	0
Finland	185
France	584
Germany	1,114
Holland	301
Hungary	5
Ireland	58
Italy	682
Latvia	1
Lithuania	5
Luxembourg	3
Malta	2
Poland	545
Portugal	32
Slovakia	8
Slovenia	1
Spain	125
Sweden	349
United Kingdom	1,816
Total	6,711

Unfortunately, there is no possibility of comparison between the period before and this one after 1/5/2005 as the data concerning the citizens of the new EU members were collected in our country during each of the above periods neither by the same source nor with the same method.

The Mediterranean Migration Observatory (www.mmo.gr) in November 2004 presented a statistical study on immigrants in Greece. This study was conducted for the Greek Migration Policy Institute. Its main source of information is the 2001 Census and it describes the profile

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of immigrants in Greece, taking into account their nationality, gender, age, location and the length of their residence. It also describes the characteristics of the immigrant population according to more recent data (2003-2004). The report points out the serious difficulties concerning the examination of various databases on immigrants in Greece

Chapter IX Social Security

Text in force

Presidential Decree 227/2004 implemented the European Directive 98/49/EC in Greece. Directive 98/49 is intended to protect the rights of members of supplementary pension schemes who move from one Member State to another. Each worker should be able to move to a job in another Member State without loss of rights to future retirement benefits. In particular, it deals with the issue that workers and others holding entitlement should have certain guarantees for equal treatment regarding their preservation for the vested pension rights deriving from supplementary pension schemes.

The protection afforded by the Presidential Decree refers to pension rights under both voluntary and compulsory supplementary pension schemes, with the exception of schemes covered by the Regulation 1408/1971. The Presidential Decree applies to members of supplementary pension schemes and others holding entitlement under such schemes, who have acquired, or are in the process of acquiring, rights in one or more Member State. As defined in Article 3, supplementary pensions are retirement pensions schemes established in conformity with Greek legislation and practice, invalidity and survivors' benefits, intended to supplement or replace those provided in respect of the same contingencies by statutory social security schemes.

The core of the Presidential Decree is found in Article 4. It applies the principle of equal treatment to migrant workers in respect to pensions to which contributions are no longer being made. In particular, the vested pension rights for members of a supplementary pension scheme, in respect of whom contributions are no longer being made to that scheme as a consequence of their moving from Greece to another Member State, are preserved to the same extent as for members in respect of whom contributions are no longer being made but who remain in Greece. In addition, in respect to beneficiaries of supplementary pension schemes and others holding entitlement under such schemes, supplementary pension schemes make payment in other Member States, exclusive of any taxes and transaction charges which may be applicable to all benefits due under such schemes.

Article 5 of the Presidential Decree deals with the position of posted workers. It enables contributions to continue to be made to a supplementary pension scheme established in Greece, by or on behalf of a posted worker, who is a member of such a scheme during the period of his or her posting in another Member State. The posted worker should merely declare within 30 days from the notification to him or her of his or her detachment, his will to continue to make the abovementioned contributions to the Greek supplementary pension scheme.

Moreover, Article 6 provides that employers, trustees, or others responsible for the management of supplementary pension schemes provide adequate information to scheme Members when they move to another Member State as to their pension rights and the choices which are available to them under the scheme. As far as assurance companies are concerned, the information should be given in writing.

Furthermore, Article 7 states that all persons who consider themselves wronged by failure to apply the provisions of this Presidential Decree are enabled except for lodging their complaints with any competent administrative authorities, to pursue their claims by judicial process.

This Presidential Decree is applied retroactively since 14 August 2001.

Miscellaneous

There is no information concerning measures planned as an impact of the *Collins* and *Trojani* cases.

Article 39 of Law 2459/1997 provides that children's allowances are granted to EU citizens and to the members of their family under the same conditions as to Greek citizens, provided that they reside or work in Greece. We have also to underline the decision 329/1999 of the Administrative Court of First Instance of Iraklio (*EDKA* 2001, 937) which held that the provision of Article 2 Illness Regulation of the Institution of Social Security in Greece, as far as the maternity allowance depends on the residence of the beneficiary in Greece, constitutes indirect or disguised discrimination. The Court held that this condition set by Illness Regulation which concerns both Greek nationals and nationals of the other Member States, is irrelevant, since it is fulfilled more easily by Greek nationals than by other EU citizens. Consequently, the Court, held that this clause is invalid and not in compliance with the demands of the European Union Law.

Chapter X

Establishment, Provision of Services, Students

Text in force

Residence permit of workers detached in Greece

Greece requires non-national workers to apply for a permit even though they are legally employed in a different EU state and their firm is sending them to Greece on a short-term contract. Article 23 of Law 3320/2005 modified Article 35, para. 1 of Law 2910/2001 concerning the conditions of entry of third country nationals employed by companies established in a different EU country. According to the ancient Article 35, para. 1 of Law 2910/2001, this personnel would receive a visa and be granted a residence permit for one year which may be renewed. According to the new provision, these persons must be legally and regularly employed by the above companies and they have to be detached in Greece in order to execute a work or a contract. The residence permit is granted for the time needed for the execution of the contract which cannot exceed 12 months. Only under exceptional circumstances the permit is renewed for 6 months if it is necessary for the execution of the contract.

Professional titles of dental practitioners coming from a Member State of the European Union

Presidential Decree 240/2004 has implemented European Directive 2001/19. This European Directive is intended to enable dental practitioners coming from any Member State of the European Union to exercise their profession in another Member State of the European Union. The Greek Presidential Decree sets certain legal prerequisites so as to confer on the professional titles and qualifications of dental practitioners coming from other E.U. Member States the same effect as those awarded by Greece.

Article 4 of PD 240/2004 stipulates that for the recognition of a diploma or a certificate or other title of dental practitioners in general, or of those specializing in orthodontics and oral surgery, all the conditions referred in Articles 1, 2, and 3 of Directive 78/687 EC should be met.

In addition, pursuant to Article 7 of PD 98/1986, as amended by a new Article 4 of PD 240/2004, the competent Greek authorities, having assessed the content and duration of the training of the person concerned on the basis of the diplomas, certificates and other evidence of formal qualifications submitted and taking into account any professional experience, additional training and continuing dental education that he possesses shall inform him of the period of additional training required and of the fields to be covered by it. The abovementioned Greek authorities should render their decision within 4 months of the date on which the applicant submits his application together with full supporting documentation.

Furthermore, new Article 5 of PD 240/2004 (as it supplemented the previous Article 5 of PD 98/86) sets the requirements for the conferment of the license to use the title of dental practitioner in Greece to those dental practitioners who are EU citizens. Except for the diploma, certificate, or other evidence of formal qualifications, it is important that they also have the license of exercising the dental practitioner's profession.

Moreover, pursuant to recent PD 240/2004, Greece recognizes the diplomas, certificates and other evidence of formal qualifications of dental practitioners specializing in orthodontics and oral surgery awarded to nationals of Member States by other Member States and grants such qualifications the same effect in its territory as the diplomas, certificates and other evidence of formal qualifications which it itself awards.

Another important provision lies in Article 10 of PD 98/1986 as amended (new Article 6 of PD 240/2004) refers to diplomas and certificates in specialized dentistry which were awarded to their possessor before the implementation of Directive 76/687 and do not satisfy the minimum training requirements set by the latter. In such cases, Greece requires that such diplomas, certificates and other evidence of formal qualifications be accompanied by a certificate issued by the competent authorities of the Member State of origin or of the Member State from which the foreign national derives, stating that he has been engaged in activities of specialized dentistry for a period equal to twice the difference between the length of specialized training in the Member State of origin or in the Member State from which the foreign national derives and the minimum training period (see also new Article 8 of PD 240/2004).

Moreover, Articles 6 and 7 of PD 240/2004 set the legal requirements for the recognition of the Italian diplomas or certificates of dental practitioners and specialized dental practitioners issued 18 months after the notification of Directive 76/686 as well as of those of the former German Democratic Republic, which do not satisfy all the minimum training requirements laid down in Article 1 of Directive 76/687.

The competent authority examines all the diplomas, certificates and other evidence of formal qualifications in the field covered by Directive 78/686 and obtained by the holder outside the EU in cases where these have been recognised in another Member State as well as the training undergone and the professional experience gained in a Member State. The Greek competent authority shall give its decision within 3 months of the date on which the applicant submits his application together with full documentation.

In the event the applicants are rejected the decisions of the competent Greek authorities should be reasonably justified.

Applicants shall also have a right of appeal before the courts under national law. That right of appeal shall likewise apply in the event of failure to reach a decision within the stipulated period.

PD 240/2004 is applied retroactively from 1 January 2003.

Professional titles of medical doctors coming from a Member State of the European Union

Presidential Decree 38/2004 has implemented European Directive 2001/19. This European Directive aims to enable the free movement of the establishment of medical doctors within the EU by harmonizing the legal prerequisites set by all of the EU Member States concerning the exercise of the profession of medical doctor in the EU. The Greek Presidential Decree lays down certain legal requirements that should be met so that the professional titles of medical doctors coming from other EU Member States are recognized and have the same effect as those awarded by Greece.

New Articles 3 and 4 of Presidential Decree 38/2004 recite all diplomas, certificates or titles in medicine awarded by other Member States which are recognized as being equivalent to those awarded by Greece.

Article 6 of PD 38/2004 sets all of the conditions for the recognition of titles in specialized medicine awarded by other Member State of the EU in Greece. It refers to medical doctors of an EU Member State who wish to obtain a title in specialized medicine although awarded in Greece, is not awarded by the Member State of origin nor the Member State from which the foreign national derives (see Article 11, para. 1 of PD 84/1986).

The competent Greek authorities shall, however, take into account, in whole or in part, the training periods completed by the nationals referred to in paragraph 1 attested by the award of a diploma, certificate or other evidence of formal training by the competent authorities of the Member State of origin of the Member State from which the foreign national derives, provided such training periods correspond to those required in the host Member State

for the specialized training in question. In addition, the competent Greek authorities should assess any professional experience, additional training and continuing medical education that he/she possesses. The competent Greek authorities, having verified the content and duration of the specialist training of the person concerned on the basis of the diplomas, certificates and other evidence of formal qualifications submitted, shall inform him/her of the period of additional training required and of the fields to be covered by it.

Moreover, the new Article 7 of Presidential Decree 38/2004 sets all of the legal conditions that should be fulfilled for the recognition of diplomas, certificates and other evidence of formal qualifications in medicine as well as in specialized medicine awarded by other EU Member States which do not satisfy all the minimum training requirements laid down in Article 23 of Directive 93/16.

The new Article 9 of PD 38/2004 introduces a new chapter in the present Presidential Decree identified as “specific training in general medical practice”, which describes all of the preconditions for the exercise of the medical specialization of “general medical practice”.

In addition, pursuant to the new Article 10 of PD 38/2004, Greece recognizes as sufficient proof in respect of nationals of Member States whose diplomas, certificates and other evidence of formal qualifications in the field covered by Directive 93/16 do not correspond to the names listed for that Member State in this Directive, the diplomas, certificates and other evidence of formal qualifications awarded by those Member States and accompanied by a certificate issued by the competent authorities or bodies. This certificate states that the abovementioned titles have been awarded on completion of education and training that complies within the provisions of Directive 93/16 and are treated by the Member State as equivalent to those whose names are listed therein.

Furthermore, the competent authority examines all of the diplomas, certificates and other evidence of formal qualifications in the field covered by Directive 93/16 obtained by the holder outside of the EU in cases where these have been recognized in another EU Member State, as well as the training undergone and the professional experience gained in a Member State. The Greek competent authority shall render its decision within 3 months of the date on which the applicant submits his/her application together with full documentation.

In the event the applicants are rejected, the decisions of the competent Greek authorities should be reasonably justified in writing.

Professional titles of architects coming from a Member State of the European Union

Presidential Decree 53/2004 has implemented European Directive 85/384 in Greece. This European Directive, as it has been amended, aims to protect the rights of architects coming from any Member States of the European Union to exercise their activity/profession freely in another Member State within the European Union. The Greek Presidential Decree lays down certain legal requirements in order to confer on the professional titles of architects coming from other Member States of the European Union the same effect as those awarded by Greece.

Article 2 of the aforementioned Presidential Decree provides that members of the European Union are enabled to be established in Greece and exercise their activities in the sector of architecture after acquiring of the relevant license of the Technical Chamber of Greece. All of the requirements imposed by the Greek Technical Chamber are set out in detail in Article 6. The relevant documents should not be presented more than three months after their date of issue.

Article 3 requires and describes certain standards of theoretical and practical studies of University level in the field of architecture that a person entitled to exercise the profession of architect in Greece should have.

The core of the Presidential Decree is found in Articles 4 and 5 that confer the relevant diplomas and certificates regarding architecture awarded by other EU Member States to their nationals the same effect within Greece as the titles of formal qualifications which Greece awards in architecture.

Pursuant to Article 6 of Directive 85/384, as amended by Directive 2001/19 and Article 5 of Presidential Decree, the Technical Chamber of Greece shall render its decisions within 3 months of the date on which the applicant submits his/her application together with full supporting documentation. Where the application is rejected the relevant decision shall be reasonably justified.

Furthermore, Article 7 of the Presidential Decree stipulates that every person who considers him/herself wronged is enabled to pursue his/her claim by lodging petition for annulment to the State Council pursuant to Presidential Decree 19/1999 (see also Article 6a of amending Directive 2001/19).

Accordingly, each member of the E.U., who has obtained his/her license to exercise the profession of architect in Greece by the Greek Technical Chamber has the same rights and obligations as a graduate architect-engineer and is subjected to the same disciplinary provisions of professional or administrative nature with the exception of those provisions that concern membership to the Greek Technical Chamber (Articles 8,9 of P.D.).

The present Presidential Decree also applies to those European citizens that exercise or intend to exercise the profession in the sector of architecture as employees pursuant to E.U. Regulation 1612/88.

Chapter XI

Miscellaneous

During 2004 the Immigration Policy Institute began to develop its activities. It is a non-profit, legal entity functioning under the supervision of the Ministry of Interior Affairs. Its mission is focused on researching and understanding the immigration phenomenon in order to design and implement the proposed immigration policy of the country. In addition it will act as advisor and coordinator in immigration issues.

In November of 2004, the Migration Policy Institute had organized in Athens the first international conference on “Managing Migration: The Greek, EU and International Contexts”.

The Minutes of the conference on “Free Movement of Workers and Coordination of Social Security Systems” held in Athens on 20-21 June 2003 were published in 2004 (in English and French).

The Greek Nationality Code (Law 3284/2004) does not provide that Greek nationality is lost if there is voluntary access to another nationality. If there is voluntary access to another nationality, Greek nationality may possibly be lost after permission by the Minister of Interior Affairs is granted (Art. 16).