
The Constitution of Greece

Quasi-Preamble

In the name of the Holy and Con-substantial and Indivisible Trinity

the Fifth Constitutional Assembly of Greece votes:

Part I

Fundamental Provisions

Section I: Form of Government

Article 1 [Parliamentary Democracy]

- (1) Greece is a Parliamentary Democracy with a President as Head of State.
- (2) Popular sovereignty is the foundation on which the form of government rests.
- (3) All powers are derived from the People, exist for the benefit of the People and the Nation, and are exercised in the manner determined by the Constitution.

Article 2 [Human Dignity]

- (1) Respect for and protection of human dignity constitute the primary obligation of the State.
- (2) Greece, following the generally accepted rules of international law, seeks consolidation of peace and justice and fostering of friendly relations among Peoples and States.

Section II: Relations between church and state

Article 3 [Relations of Church and State]

- (1) The prevailing religion in Greece is that of the Eastern Orthodox Church of Christ. The Orthodox Church of Greece acknowledging as its head Our Lord Jesus Christ is indissolubly united in doctrine with the Great Church of Constantinople and every other Church of Christ of the same doctrine. It observes steadfastly, as they do, the holy apostolic and synodical canons and the holy tradition. It is autocephalous, exercising its sovereign rights independently of any other church, and is administered by the Holy Synod of Bishops and the Parliament Holy Synod which emanates from the former and is constituted in accordance with the Constitutional Chart of the Church and the provisions of the Patriarchal Document of 29 June 1850 and the Synodal Deed of 4 September 1928.
- (2) The religious status prevailing in certain parts of the State is not contrary to the provisions of the foregoing paragraph.

(3) The text of the Holy Scriptures shall be maintained unaltered. The official translation thereof into any other linguistic form, without the sanction of the Autocephalous Church of Greece and the Great Church of Christ in Constantinople, is prohibited.

Part II

Individual and Social Rights

Article 4 [Citizenship and Equality]

- (1) All Greeks are equal before the law.
- (2) Greek men and Greek women have equal rights and obligations.
- (3) Greek citizens are those who possess the qualifications specified by the law. No one shall be deprived of his citizenship save in the case of persons assuming on their own free will another citizenship or joining a service in another country which is contrary to the national interests, in accordance with the conditions and procedure laid down by the law in detail.
- (4) Only Greek citizens shall be eligible for public service save in those cases where exceptions are introduced by specific legislation.
- (5) Greek citizens shall, without discrimination, contribute towards sharing the burden of public expenditure according to their ability.
- (6) Every Greek able to bear arms shall be obliged to assist in the defence of the nation, as provided by law.
- (7) Titles of nobility or distinction shall neither be conferred upon, nor recognized in Greek citizens.

Article 5 [Freedom, Integrity]

- (1) Each person is entitled to develop his personality freely and participate in the social, economic, and political life of the country, provided that he does not encroach upon the rights of others, the Constitution, or bona mores.
- (2) All persons within the Greek State enjoy full protection of their life, honor, and freedom, irrespective of nationality, race, creed, or political allegiance. Exceptions shall be permitted in such cases as are provided for by international law. Aliens persecuted for acts carried out in defence of their freedom shall not be extradited.
- (3) Personal liberty is inviolable. No person shall be prosecuted, arrested, imprisoned, or otherwise restricted, save when and in the manner specified by law.
- (4) Individual administrative measures restricting free movement or freedom of residence in the country and the right of every Greek to leave or enter Greece shall be prohibited. Such measures may be taken in cases of extraordinary emergency and only for the prevention of illegal acts, following the decision of a penal court as the law provides. In cases of utmost urgency, the ruling of the court may be issued after the administrative act has been taken, but not later than three days; if not the said administrative act shall be lifted ipso jure.

Article 6 [Arrest]

- (1) No person shall be arrested or imprisoned without a judicial warrant stating the reasons, which must be

served upon him at the moment of arrest or imprisonment, pending trial. This provision does not apply to crimes committed in flagrante delicto.

(2) Any person taken in the act or arrested on the basis of a warrant of arrest, shall be brought before the competent examining magistrate within twenty-four hours of the time of arrest, at the latest, or, if the arrest was made outside the seat of the examining magistrate, within the time which is absolutely necessary for his conveyance thereto. The examining magistrate must, within at the most three days of such appearance, either release such person or issue a warrant for his imprisonment. The time limit shall be extended for up to two days at the request of the person arrested or in the event of force majeure which shall be certified by a ruling of the competent judicial council.

(3) Upon expiry of either of these time limits without any such action having been taken, any warder or any other person, whether civilian or military, in charge of the detainee must release the same. Violators of these provisions shall be punished for illegal confinement and shall have to make good any loss sustained by the injured party and give satisfaction to the same for moral injury by such sum of money as the law provides.

(4) The law shall determine the maximum term of imprisonment pending trial which cannot exceed one year for felonies and six months for misdemeanors. In the event of extraordinary circumstances, the said maximum may be extended by six and three months respectively, by a ruling of the competent judicial council.

Article 7 [Nullum Crimen Sine Lege]

(1) No offence shall exist, nor shall any punishment be imposed, unless a law determining the details has been in force prior to the commission of the act. Punishment can never be heavier than provided by the law in force when the act was committed.

(2) Torture and any kind of bodily ill-treatment, injury to health, or the use of psychological pressure or any other offence against human dignity are prohibited and shall be punished according to the law.

(3) General confiscation is prohibited. The death penalty shall not be imposed for political crimes save for compound ones.

(4) The law specifies the terms under which the State following a judicial decision shall indemnify persons unjustly or illegally sentenced, or imprisoned pending trial, or otherwise deprived of their personal freedom.

Article 8 [Natural Judge]

No person shall be denied the right to his lawful judge without his consent. Judicial committees and extraordinary courts under any name whatsoever, shall not be established.

Article 9 [Inviolability of Home]

(1) Each man's home is inviolable. A person's personal and family life is inviolable. No house searches shall be made except when and as the law directs, and always in the presence of representatives of the judicial authorities.

(2) Offenders against the foregoing provision shall be punished for forced entry into a private house and abuse of power, and shall be obliged to indemnify in full the injured party as the law provides.

Article 10 [Petition]

- (1) Each person has and several persons acting together have the right, adhering to the laws of the State, to address written petitions to authorities, and said authorities must promptly react on the basis of the existing regulations and furnish in writing a reasoned answer to the petitioner in accordance with the law.
- (2) Action for offenses possibly contained in the petition may be initiated against the petitioner only after the serving of the final decision by the authority to which the petition was addressed and with the permission thereof.
- (3) Requests for information must be complied with by the competent authority, if this be provided by law.

Article 11 [Assembly]

- (1) Greeks have the right to assemble peaceably and without arms as the law provides.
- (2) The police may be present at public open air meetings only. Open air meetings may be prohibited by police decision stating the reasons, generally if danger to public security is imminent therefrom, and in the case of specific areas if the disruption of social and economic life is seriously threatened, as the law provides.

Article 12 [Association]

- (1) Greeks have the right to establish non-profit unions and associations, observing the laws of the State which cannot, however, make the exercise of such right subject to previous permission by the Government.
- (2) An association may not be dissolved for violating the laws or a fundamental provision of the by-laws without a court decision.
- (3) The provisions of the foregoing paragraph also apply per analogia to unions which do not constitute an association.
- (4) Restrictions on the right of association of civil servants may be imposed by law. Restrictions on the same right may also be imposed upon local government employees or those of other bodies corporate of public law, or public enterprises.
- (5) Agricultural and urban co-operation of any kind shall be self-governed in accordance with the provisions of the law or their by-laws and shall be placed under the protection and supervision of the State which shall be obliged to provide for the development thereof.
- (6) Law may establish compulsory co-operatives which shall aim at achieving goals, relating to the common good or the public interest or the joint exploitation of agricultural areas or other material resources, safeguarding in every case equality of treatment of those participating therein.

Article 13 [Religion]

- (1) The freedom of religious conscience is inviolable. The enjoyment of civil and individual rights does not depend on the religious conviction of each individual.
- (2) Every known religion is free and the forms of worship thereof shall be practiced without any hindrance by the State and under protection of the law. The exercise of worship shall not contravene public order or offend morals. Proselytizing is prohibited.
- (3) The ministers of all religions are subject to the same obligations towards the State and to the same state supervision as the ministers of the established religion.

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

(5) No oath shall be imposed without a law specifying the form thereof.

Part II

Individual and Social Rights

Article 14 [Freedom of Expression and Press]

(1) Any person may express and propagate his opinion orally, in writing, or in print, with due adherence to the laws of the State.

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

(3) The seizure of newspapers and other printed matter, either before or after circulation, is prohibited. By exception, seizure after publication is permitted upon instruction by the Public Prosecutor because of:

a) insult to the Christian and all other known religions,

b) insult to the person of the President of the Republic,

c) a publication which discloses information relating to the composition, armament, and disposition of the armed forces or the fortifications of the country, or aims at violently overthrowing the political system or is directed against the territorial integrity of the State,

d) obscene publications which manifestly offend public decency, in the cases specified by law.

(4) In all of these cases, the Public Prosecutor must, within twenty-four hours of the seizure, submit the case to the judicial council which, within a further twenty-four hours, must decide whether the seizure shall be maintained or withdrawn, otherwise the seizure shall be lifted ipso jure. The publisher of the seized newspaper or other printed matter and the Public Prosecutor are allowed to appeal to the Appeal Court and the Supreme Court.

(5) The law shall determine the manner rectifying in full through the press erroneous publications.

(6) After at least three convictions within a five year period for crimes specified in Paragraph (3) hereof, the court shall order the permanent or temporary suspension of issue of the publication and, in serious cases, prohibit the practice of the profession of journalist by the person convicted, as provided by law. Such suspension or prohibition shall commence from such time as the sentence becomes irrevocable.

(7) Press offenses shall be deemed offenses in flagrante delicto and shall be judged by the courts as the law provides.

(8) The law determines conditions and qualifications for the practice of journalism.

(9) The law may lay down that financing newspapers and periodicals be made known.

Article 15 [Supervised Media]

(1) The provisions on the protection of the press contained in the foregoing article shall not be applied to

motion pictures, phonography, radio, television, and all other similar means of transmitting speech or image.

(2) Radio and television are placed under the immediate supervision of the State and shall aim at the transmission of objective information and news under conditions of equality, as well as works of literature and art, safeguarding in every case such quality in the broadcasts as may become necessary by the social function thereof and the cultural development of the country.

Article 16 [Education]

(1) Art and science, research, and teaching are free and their development and promotion constitutes a state obligation. Academic freedom and the freedom to teach do not override the duty to obey the Constitution.

(2) Education constitutes a fundamental state objective and aims at the moral, intellectual, professional, and physical instruction of the Greeks, the development of national and religious consciousness, and the formation of free and responsible citizens. (3) The years of compulsory schooling may not be less than nine.

(4) All Greeks have the right to free education in the state schools at all levels. The State supports outstanding students and those needing support or special protection according to their needs.

(5) University level education is provided exclusively by institutions which are bodies corporate of public law and fully self-governed. The said institutions are under the supervision of the State and entitled to financial support. They operate on the basis of the laws relating to their organization. Merging or fragmentation of the university level institutions may take place despite any provision to the contrary, as the law determines. The professors of the university level institutions may not be dismissed before the expiry of the term of their employment, as laid down by law, save under the essential preconditions specified in Article 88 (4) and following the decision of a committee comprising a majority of high judicial functionaries, as the law provides.

(6) Professors of the university level education institutions are public functionaries. The rest of the teaching staff thereof also holds public office, under the preconditions laid down by the law. Matters relating to the status of all the aforementioned shall be determined by the Rules and Regulations of the respective institutions. A law shall determine the age limit for the professors of university level institutions, and until such law be issued, the professors already employed shall depart ipso jure upon expiry of the academic year in which they attain their sixty-seventh year.

(7) Vocational and any other special instruction is provided by the State through schools of higher status and for a period not exceeding three years, as is specially laid down by the law which also determines the rights pertaining to the occupation of those who graduate from such schools.

(8) A law shall determine the preconditions and the terms under which permits for the establishment and operation of private schools are issued and matters relating to the supervision exercised thereover and the professional status of the teaching staff thereof. The establishment of university level schools by private citizens is prohibited.

(9) Sport shall be under the protection of and shall be supervised at the highest level by the State. The State shall subsidize and control association of sports clubs of any kind, as the law provides. A law shall also determine the disposal of the subsidies provided, in accordance with the aims of the associations which shall receive the same.

Article 17 [Property]

(1) Property stands under the protection of the State; the rights, however, derived therefrom, may not be

exercised in a manner detrimental to the public interest.

(2) No one shall be deprived of his property except for the public benefit, which shall be duly ascertained, when and as the law directs and always after full indemnification. Such indemnification must be commensurate with the value of the expropriated property at the time of the court hearing for the temporary fixing of indemnification. In the case of direct petition for the final fixing of indemnification, the value of the property at the time of court hearing relating thereto shall be taken into consideration.

(3) Any change in the value of the expropriated property which may occur after the publication of the expropriation act and may only result therefrom, shall not be taken into account. A law may determine the contribution to the State expenditure by those who shall benefit from the construction of utilities or works of overall significance for the economic development of the country.

(4) The indemnification shall at all times be fixed by the civil courts, and may be determined provisionally by court, after a hearing or summoning of the beneficiary who may be obliged, at the discretion of the court and in order to receive such indemnification, to offer an appropriate guarantee in the manner determined by law. Prior to the payment of either the final or the provisional indemnification, all the rights of the proprietor shall be intact and the dispossession thereof shall be prohibited. The specified indemnification must be paid within one year and a half from the publication of the order determining provisionally such indemnification, and in the case of petitions for the final determination thereof from the publication of the relevant court order, otherwise the expropriation is lifted ipso jure. The indemnification as such shall not be subject to any tax, deduction, or charge.

(5) A law may determine the cases of compulsory compensation to beneficiaries for the lost revenue from the expropriated real property up to the time of payment of the indemnification.

(6) In the case of construction of utilities or works of more general significance for the national economy, a law may allow the expropriation in favor of the State of areas extending beyond the ones strictly necessary for the construction of the works. The same law shall determine the preconditions and terms of such an expropriation as well as the disposal or utilization of the additional expropriated property required for the works under construction, with a view to serving public purposes in general.

(7) A law may provide that in the case of construction of works which are obviously useful to the public and for the benefit of the State or bodies corporate of public law or local authorities or utilities or public enterprises, it shall be allowed to dig underground tunnels up to the necessary depth and without the payment of the necessary indemnification provided that the usual exploitation of the overlying real property be unimpeded.

Article 18 [Special Cases of Property, Requisition]

(1) Special laws shall determine questions relating to the ownership and disposal of mines, quarries, caves, archaeological treasures, mineral waters, freely-flowing and subterranean waters, and the subterranean natural resources in general.

(2) A law shall determine questions relating to the ownership, exploitation, and administration of shoals and large lakes and those relating in general to the disposition of the areas reclaimed through the draining thereof.

(3) Special laws shall regulate the questions relating to requisitioning for the need of the armed forces in case of war or mobilization in order to meet urgent social needs which may endanger public order or health.

(4) The reallocation of agricultural lands with a view to improving efficiency of their cultivation and measures with a view to avoiding excessive fragmentation or facilitating the regrouping of the fragmented small

holdings shall be allowed and effected in accordance with the procedure specified by special law.

(5) In addition to the cases mentioned in the foregoing paragraph, a law may provide for any further restriction on the free use and exploitation of property which may be necessary due to special circumstances. The law shall specify the obligor and the procedure whereby the price of use and exploitation shall be paid to the person entitled thereto, which must correspond to the conditions prevailing in each instance. Any measures remain in force without just cause, the Council of State at the request of any person having a lawful interest therein shall decide on the lifting thereof, according to the category whereunder the case falls.

(6) The law may determine the terms under which abandoned land can be disposed of with a view to the utilization thereof for the benefit of the national economy and the restitution of landless persons. The same law shall determine the question relating to the partial or full indemnification payable to the owners thereof should they reappear within a reasonable time limit.

(7) A law may establish compulsory joint ownership of adjoining real estate properties in urban areas provided that the separate development of them or of some of them is not compatible with the development requirements which are or may in the future be in force in the district in question.

(8) The agricultural property of the Holy Monasteries of Stavropigiaka of Saint Anastasia, the Pharmakolytria in Chalkidiki, the Monastery of Vlatades in Thessaloniki, and the Monastery of John the Evangelist the Theologian in Patmos, shall be exempt from expropriation; the provision does not apply to agricultural property situated outside the area of the monastery. Likewise, the property of the Patriarchates of Alexandria, Antiochia, and Jerusalem and that of the Holy Monastery of Sinai which is situated in Greece shall be exempt from expropriation.

Article 19 [Secrecy of Correspondence]

The privacy of correspondence and any other form of communication is absolutely inviolable. The law shall determine the guarantees under which the judicial authority is released from the obligation to observe the abovementioned right, for reasons of national security or for the investigation of particularly serious crimes.

Article 20 [Recourse to Courts]

(1) All citizens are entitled to lawful protection by the courts and may present their views in relation to their rights or interests, as laid down by the law.

(2) The same right of the interested party to a prior hearing is also applicable to any administrative act or measure which is taken against the rights or interests thereof.

Article 21 [Family]

(1) The institution of the family, being the foundation of the preservation and improvement of the nation, as well as marriage, motherhood, and childhood, shall be protected by the State.

(2) Families with a large number of children, war and peace invalids, war victims, widows, and orphans of persons killed in the war, and those suffering from mental or physical illness shall be under special state care.

(3) The State shall be concerned with the health of the citizens and shall take special measures for the protection of youth, old age, cripples, and those who are destitute.

(4) The provision of homes to those who are homeless or live in inadequate housing conditions shall be the subject of special care by the State.

Article 22 [Work, Social Security]

- (1) Work is a right and shall be placed under the protection of the State, which shall take measures with a view to creating conditions for full employment and for the moral and material improvement of the working agricultural and urban population.
- (2) The general conditions of work shall be determined by law and supplemented by collective agreements arrived at by free collective bargaining and, in the event of their having failed, by the regulations fixed by arbitration.
- (3) All forms of compulsory labor shall be prohibited. Special laws shall determine matters relating to the forcible recruitment of personal services in the event of war or mobilization or for the benefit of the defence needs of the country or in the case of social emergency caused by a natural catastrophe or likely to endanger public health, and matters relating to the services offered to local authorities with a view to satisfying local needs.
- (4) The State shall provide for the social security of the workers, as the law provides.

Article 23 [Unions, Right to Strike]

- (1) The State shall take the appropriate measures for the safeguarding of trade union freedom and the unimpeded exercise of the rights relating thereto against any violation thereof, within the limits of the law.
- (2) The right to strike shall be exercised by the duly constituted trade unions with a view to preserving and promoting the economic interests of the workers and those relating to their work in general. Any strike whatsoever by judicial functionaries and members of the security forces is prohibited. The right to strike is placed under the limitation imposed by law in the case of civil servants, employees of local authorities, bodies corporate of public law, and the personnel of public enterprises of any kind or utilities, the operation whereof is of vital importance for the satisfaction of basic needs of society as a whole. The said limitations cannot be extended to include the abolition of the right to strike or impede the lawful exercise thereof.

Article 24 [Environment]

- (1) The protection of the physical and cultural environment constitutes an obligation to the State. The State must take special preventive or repressive measures for the conservation thereof. A law shall regulate matters relating to the protection of forests and forest areas in general. Any change in the land uses of public forests or public forest areas shall be prohibited, unless the agricultural use thereof or any other use be beneficial to the national economy or dictated by the national interests.
- (2) The regional restructuring of the country, the configuration, development, planning, and extension of cities and housing areas in general shall be placed under the regulatory competence of and control by the State with a view to achieving the best possible living conditions and enhancing the functionality and development of the said housing areas.
- (3) The properties contained in a given area shall compulsorily participate, without receiving any compensation from the local agencies, in making the necessary land available for the construction of roads, squares, and communal units and spaces, and in covering the cost of the construction of basic town planning works for public use, as the law provides, with a view to recognizing the said area as housing area and revitalizing the same.
- (4) A law may provide for the participation by the property owners of a given area designated as residential in the overall development and planning on the basis of an approved plan, through an exchange of their real

estate property in blocks of flats not extending to the land underneath (horizontal property), sited in the parts of the area which shall finally be designated as building land or structures in the said area.

(5) The provisions of the foregoing paragraphs shall apply to the rehabilitation of already existing housing areas. The areas cleared as a result shall be used for the creation as communal spaces or the construction of communal units or sold in order to cover the cost of the town redevelopment, as the law provides.

(6) Monuments and historical sites shall be protected by the State. A law may determine the measures necessary for such protection which may restrict the rights of the owners therein, and the mode and kind of compensation payable to the said owners.

Article 25 [Protection of Fundamental Rights]

(1) The right of human beings as individuals and as members of the social body are guaranteed by the State, all the functionaries whereof are obliged to safeguard the unimpaired exercise thereof.

(2) The recognition and protection of the fundamental and inalienable rights of man by the State shall aim at achieving social progress in freedom and justice.

(3) Abuse of rights shall be prohibited.

(4) The State has the right to demand of all citizens that they perform the duty of social and national solidarity.

Part III

Organization and Functions of the State

Section I: General Provisions

Article 26 [Legislative Power]

(1) The legislative power shall be exercised by Parliament and the President of the Republic.

(2) The executive power shall be exercised by the President of the Republic and by the government.

(3) The judicial power shall be exercised by the courts and their decisions shall be executed in the name of the Greek People.

Article 27 [Boundaries]

(1) No alteration in the boundaries of the State shall be effected without a law passed by the absolute majority of the total number of deputies.

(2) No foreign army shall be admitted within the boundaries of the Greek State, nor shall remain therein or pass through without a law passed by the absolute majority of the total number of deputies.

Article 28 [International Law]

(1) The generally recognized rules of international law and the international conventions after their ratification by law and their having been put into effect in accordance with their respective terms, shall constitute an integral part of Greek law and override any law provision to the contrary. The application of

the rules of international law and international conventions in the case of aliens shall always be effected on condition of reciprocity.

(2) It shall be possible under the Constitution to recognize the competence of bodies of international organizations by virtue of treaties or agreements with a view to serving important national interests and promoting co-operation with other countries. A majority of three fifth of the total number of deputies shall be required for the passing of laws ratifying such treaties or agreements.

(3) Greece shall accept restrictions on the exercise of national sovereignty by laws passed by the absolute majority of the total number of deputies, if this be dictated by important national interests, if human rights and the foundations of the democratic regime be not violated, and if this be effected on the basis of the principle of equality and on condition of reciprocity.

Article 29 [Political Parties]

(1) Greek citizens who are eligible to vote can freely establish and participate in political parties, the organization and activities whereof must serve the free functioning of the democratic political system. Citizens who have not yet acquired the right to vote can participate in the youth organizations of political parties.

(2) A law may regulate matters relating to financial support given to political parties by the State and the publication of expenditure incurred by parties and candidates during elections.

(3) Activities of any kind whatsoever in favor of political parties by judicial functionaries, military personnel in general and personnel of the security forces and civil servants, and the active support of the same by employees of bodies corporate of public law, public enterprises, and local authorities shall be absolutely prohibited.

Section II: The President of the Republic

Chapter I: Election of the President

Article 30 [President]

(1) The President of the Republic shall regulate the functions of the powers of the State. He shall be elected by Parliament for a term of five years, according to the procedure 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 term shall commence from the day when the President is sworn in.

(4) In the event of war, the Presidential term shall be extended until the termination thereof.

(5) The re-election of the same person shall be permitted only once.

Article 31 [Eligibility]

Persons who have been Greek citizens for five years and through their father, have attained their fortieth year, and are legally eligible to vote, can be elected to the office of President.

Article 32 [Election]

(1) The election of the President of the Republic by Parliament is effected by open and nominal ballot in a specially convened session, caused by the speaker, not later than one month before the expiry of the term of the incumbent President of the Republic according to the relevant provisions of the Regulations. In the event of definitive inability to discharge his duties on the part of the President of the Republic, as specified in Article 34 (2), and in the event of resignation or demise or his having forfeited his office according to the provisions of the Constitution, the parliamentary meeting for the election of the new President of the Republic shall be held within ten days from the premature expiry of the term of the previous President.

(2) The election of the President of the Republic shall in every case be for a full term.

(3) The person who shall receive a two-thirds majority of the total number of members of Parliament shall be elected President. In the event that such majority not be achieved, voting shall be repeated after five days, and if again the said majority be not attained, voting shall be repeated once more five days after the day of the second vote, and the person who shall receive three-fifths of the total number of votes shall be elected President of the Republic.

(4) If the said increased majority be not attained in the final vote, Parliament shall be dissolved within ten days from the said vote and elections for a new Parliament shall be proclaimed. The relevant decree shall be signed by the incumbent President of the Republic, and if this be not possible by the Speaker who shall replace him. The Parliament returned by the new elections shall proceed immediately after it has been constituted as a body with the election by open and nominal ballot of the President of the Republic with a three-fifths majority of the total number of deputies. If the said majority be not attained, the vote shall be repeated within five days and the person who shall receive the absolute majority of the total number of deputies shall be elected President. If even this majority be not attained, the vote shall be repeated once again and after five days between the two candidates who received the greater number of votes, and the one who shall receive the greater number of votes this time shall be deemed elected President of the Republic.

(5) If Parliament should not be in session, it shall be convoked in an extraordinary session in order to elect the President of the Republic in accordance with the provisions of Paragraph (4). If Parliament has been dissolved for any reason, the election of the President shall be postponed until the new Parliament be constituted as a body and shall take place not later than twenty days from that day, in accordance with the provisions of Paragraph (3) and (4) hereof and Article 34 (1).

(6) If the procedure for the election of the new President specified in the foregoing Paragraphs should not concluded in time, the incumbent President of the Republic shall remain and discharge his duties even after the expiry of his term until the new President be elected.

Article 33 [Installation]

(1) The elected President of the Republic shall assume his duties on the day following expiry of the term of the outgoing President, and in all other cases on the day following his election.

(2) The President of the Republic shall take the following oath before Parliament, and prior to his taking office:

"I swear in the name of the Holy, Consubstantial, and Indivisible Trinity to observe the Constitution and the laws, to provide for the faithful observance thereof, to defend the national independence and territorial integrity of the country, to protect the rights and liberties of Greeks and to serve the public interest and the progress of the Greek People."

(3) A law shall determine the allowance payable to the President of the Republic and the operation of the services to be established for the discharge of his duties.

Article 34 [Replacement]

(1) The Speaker shall act as pro tempore deputy of the President of the Republic when the latter has been abroad for more than ten days, died, resigned, forfeited his office, or became incapable of discharging his duties for any reason, and in the absence of Parliament the Speaker of the last Parliament, and in the event of his refusing to do or his being deceased, the said duties shall be carried out by the Cabinet collectively. During the period when the Presidential office is held by a deputy, the provisions relating to dissolution of Parliament shall be suspended save the case of Article 32 (4), as well as the provisions relating to the dismissal of government and recourse to referendum in accordance with the provisions of Article 37 (4) and Article 44 (2).

(2) Should the incapacity of the President of the Republic to discharge his duties be extended beyond thirty days, Parliament shall be compulsorily convened, even if the same has been dissolved, in order to decide with a majority of three fifths of its members whether a new President should be elected. In no case, however, shall the election of a President be delayed more than six months from the commencement of the substitution thereof on grounds of incapacity.

Chapter II

Powers and Responsibilities of the President

Article 35 [Countersignature]

(1) No act of the President of the Republic shall be valid or executed unless countersigned by the competent Minister who shall be rendered responsible only through his signature and after such act has been published in the Government Gazette. In the event of a government being dismissed, if the Prime Minister refuses to countersign the relevant decree, it can be signed by the President of the Republic alone.

(2) By exception, the counter-signature shall not be required only in the following cases:

a) The appointment of the Prime Minister.

b) The exploratory mandate, in accordance to Articles 37 (2), (3) and (4).

c) The dissolution of Parliament in accordance to Articles 32 (4) and 41 (1), if the Prime Minister does not countersign, as well as the dissolution in accordance to the Article 53 (1), if the Cabinet does not countersign.

d) The vetoing of bills or private members' bills passed by Parliament according to Article 42 (3).

e) The appointment of personnel to the departments of the Presidency of the Republic.

(3) The proclamation of a referendum on a bill, in accordance to Article 44 (2) is countersigned by the Speaker.

Article 36 [International Representation]

(1) The President of the Republic without any prejudice to the provisions of Article 35 (1) shall represent the State in its relations to other States, declare war, conclude treaties of peace, alliance, economic co-operation and participation in international organizations or unions, and announce the same to Parliament with the necessary clarifications, if the interests and security of the State so permit.

(2) Commercial treaties and those relating to taxation, economic co-operation, and participation in

international organizations or unions, and such other treaties as contain concessions in regard to which, under the provisions of this Constitution, nothing can be determined without a law, or which entail a burden on Greeks as individuals, shall be invalid without the formal law which ratifies them.

(3) The secret articles of a treaty shall under no circumstances subvert the published articles thereof.

(4) The ratification of international treaties may not become the subject of legislation authorization under Article 43 (2) and (4).

Article 37 [Appointment of Prime Minister]

(1) The President of the Republic shall appoint the Prime Minister and, at the recommendation of the latter, he shall also appoint the rest of the members of the Government and the Deputy Ministers.

(2) The leader of the party which shall have the absolute majority in Parliament shall be appointed Prime Minister. If there is not such party, the President of the Republic shall give the leader of the party which commands the relative majority an exploratory mandate with a view to ascertain the possibility of forming a government which shall enjoy the confidence of Parliament.

(3) If the formation of government is not thus attained, the President of the Republic shall give the leader of the second party an exploratory mandate. If even this mandate is without results, he shall give the leader of the third party an exploratory mandate. Every mandate is given for a period of three days. If all mandates fail, the President of the Republic shall convene the leaders of all parties and, if the impossibility of formation of government enjoying the confidence of Parliament is reconfirmed, then he shall try to achieve the formation of a Government that shall proceed to elections. Should this fail, he shall give to the President of the Council of the State or of the Supreme Court or of the Council of Comptrollers the mandate of formation of a Government, enjoying the widest possible acceptance, in order to dissolve the Parliament and proceed to elections.

(4) If a mandate is to be given, in accordance to foregoing Paragraphs, to a party that has not a leader or a representative, the President of the Republic shall give it to a person appointed by the deputies of the said party. This appointment must take place not later than three days after the strength of the parties represented in Parliament has been announced to the President of the Republic by the Speaker.

{Interpretive Declaration: As regards to the exploratory mandates, if two parties have the same number of deputies, then shall go first the party that has obtained more votes at the elections. A party just formed and recognized by the Regulation of the Parliament, shall follow a more ancient party with the same number of deputies. In both cases, exploratory mandates shall not be given to more than four parties.}

Article 38 [Cabinet's Dismissal]

(1) The President of the Republic shall divest the Prime Minister of his duties when the latter has resigned and when the Government has been defeated in Parliament, in accordance with the provisions of Article 84. In these cases, the provisions of Article 37 (2), (3) and (4) shall apply. If the Prime Minister who has resigned is the leader of a party having the absolute majority in Parliament, the provisions of Article 37 (3) shall apply.

(2) If the Prime Minister resigns or dies, the President of the Republic shall appoint at this post the person proposed by the deputies of its party, in a period no longer than three days. Till the appointment of the new Prime Minister, the first vice president of the Cabinet or the first in rank Minister shall assume the functions of Prime Minister.

(3) {...}

Article 39 [Council of the Republic]

{...}

Article 40 [Convocation of Parliament]

(1) The President of the Republic shall convoke Parliament in ordinary session once a year according to the provisions of Article 64 (1), and in extraordinary session whenever he deems it reasonable; he shall open and close each Parliamentary term in person or through the Prime Minister.

(2) The President of the Republic shall have the right, only once, to suspend the work of a given Parliamentary session, either by postponing the opening or by interrupting the continuance thereof.

(3) The suspension of Parliamentary work shall not exceed thirty days, nor shall it be repeated during the same Parliamentary session without the consent of Parliament.

Article 41 [Dissolution of Parliament]

(1) The President of the Republic may dissolve Parliament, if two Governments have resigned or defeated in the Parliament and its composition cannot achieve stability of government. The elections shall be organized by the Government enjoying the confidence of the dissolved Parliament. In every other case, the provisions of the last phrase of Article 37 (3) shall apply.

(2) The President of the Republic shall dissolve the Parliament at the suggestion of a Government which has been given a vote of confidence, with a view to renewing its mandate in order to deal with a problem of extraordinary importance for the nation. The dissolution of the new Parliament for the same reason is prohibited.

(3) The dissolution Decree countersigned, in the case of the foregoing paragraph, by the Cabinet must at the same time comprise the proclamation of new elections within thirty days and the convocation of the new Parliament within another thirty days from the election.

(4) A Parliament elected following the dissolution of the previous one may not be dissolved before the expiry of one year from the commencement of its work, save in the case of Article 37 (3) and of the Paragraph (1) of the present Article.

(5) The dissolution of Parliament is obligatory in the case of Article 32 (4).

Article 42 [Ratification of Laws, Veto]

(1) The President of the Republic shall issue and publish the laws passed by Parliament within one month from the passing thereof. The President of the Republic may, within the time limit specified in the foregoing paragraph, send back to Parliament a bill passed thereby, stating the reasons for his veto.

(2) A bill or private member's bill vetoed by the President of the Republic shall be brought before the Plenary Session of Parliament, and should it be passed again by the absolute majority of the total number of deputies, according to the procedure laid down by Article 76 (2), the President of the Republic shall issue and publish such bill within ten days from the second passing thereof.

(3) {...}

Article 43 [Decrees]

(1) The President of the Republic shall issue the decrees necessary for the execution of the laws, but he shall under no circumstances suspend the operation of the laws nor exempt anyone from the execution thereof.

(2) It shall be permitted to issue Regulatory Decrees at the proposal of the competent minister, on the basis of a specific authorization by law, and within the limits thereof. Authorization for the issuance of regulatory decrees by other administrative organs shall be allowed only in the case of regulation of special matters or matters of local interest or technical or detailed character.

(3) {...}

(4) Laws passed by the Plenum of Parliament may authorize the issuance of Regulation Decrees for the regulation of matters specified therein within a general framework. The said laws will provide the general principles and guidelines for the procedure to be followed and shall specify the time limit within which such authorization must be made use of.

(5) Matters which according to Article 72 (1) fall within the competence of the Plenum of Parliament may not be the object of the authorization mentioned in the foregoing paragraph.

Article 44 [Acts of Legislative Content]

(1) In extraordinary circumstances of most urgent and unforeseen need, the President of the Republic may, at the suggestion of the Cabinet, issue acts of legislative content. These acts shall be brought before Parliament for approval, in accordance with the provisions of Article 72 (1), within forty days from the day of issuance or within forty days from the commencement of a Parliamentary session. If the said acts be not submitted to Parliament within the said time limits, or if they be not approved by Parliament within three months from each submission, they shall become invalid for the future.

(2) After a decision taken by a three fifths majority of the total number of the members of the Parliament, in accordance to a proposition of the Cabinet, the President of the Republic shall proclaim by a decree referenda on national questions of crucial importance. After a decision taken by a three fifths majority of the total number of the members of the Parliament, following a proposition of the two fifths thereof, the President of the Republic shall proclaim by a decree referenda on bills passed by the Parliament regarding serious social issues, with the exception of fiscal bills, in accordance to the Regulation of Parliament and a law regulating the application of this Paragraph. The proposition of more than one referendum on bills in the same Parliamentary Term is prohibited.

(3) In most extraordinary circumstances, after the conform opinion of Prime Minister, the President of the Republic may issue addresses to the people, which shall be published in the Government Gazette.

Article 45 [Commander in Chief]

The President of the Republic shall be the commander-in-chief of the armed forces which shall be administered by the Government as the law provides. He shall confer ranks upon those serving therein, according to the law.

Article 46 [Appointment of Civil Servants]

(1) The President of the Republic shall appoint and dismiss civil servants according to the law, save in the case of exceptions provided by the law.

(2) The President of the Republic shall confer the established decorations in accordance with the provisions of the pertinent law.

Article 47 [Pardon and Amnesty]

- (1) The President of the Republic shall have the right, following a proposal by the Minister of Justice and having consulted the opinion of a council which contains a majority of judges, to pardon, commute, alter, or reduce sentences pronounced by the courts of law and to lift legal consequences of any kind emanating from sentences which have been pronounced and served.
- (2) The President of the Republic shall have the right to grant a pardon to a minister sentenced according to Article 86 only with the consent of Parliament.
- (3) Amnesty may only be granted in cases of political crimes, by a law voted in Plenary Session of the Parliament by a majority of three fifths of the total number of deputies.
- (4) Amnesty in the cases of common crimes may not be granted even by law.

Article 48 [State of Siege]

- (1) In case of a state of war or mobilization due to external dangers or of manifest threat to the national security, or in case of armed revolt against the Democratic regime, the Parliament may, after proposition of the Cabinet, suspend throughout the country or in part thereof the operation of Articles 5 (4), 6, 8, 9, 11, 12 (1)-(4), 14, 19, 22, 23, 96 (4), and 97 or some of these Articles and put into effect the law on "state of siege" as this law may apply on each occasion, and establish extraordinary tribunals. The President of the Republic issue the resolution of the Parliament. This resolution defines also the duration of the imposed measures, that can not be longer than fifteen days.
- (2) If the Parliament is in absence or it is not possible to convoke it in time, the measures of the foregoing Paragraph shall be taken by presidential decree, after proposition of the Cabinet. This decree shall be brought to the Parliament when its convocations becomes possible, even if its term has ended or if it has been dissolved and, in any case, not later than fifteen days after its issuance.
- (3) The duration of the measures of the foregoing paragraphs can be extended beyond fifteen days only by decision of the Parliament, each time for a period of fifteen days. The Parliament is convoked therefore even if its term has ended or if it has been dissolve.
- (4) The measures taken in accordance to the foregoing paragraphs shall ipso jure be lifted after the termination of the war and, in any other case, after the expiration of the delays of the Paragraphs (1), (2) and (3) of the present Article.
- (5) The President of the Republic may, after proposition of the Cabinet, issue Legislative Acts, with a view to coping with the situation and the speedy resumption of the operation of the constitutional institutions. These acts shall be brought before Parliament for approval within fifteen days from the day of issuance or from the day of the convocation of the Parliament. If the said acts be not submitted to Parliament within the said time limits, or if they be not approved by Parliament within fifteen days from their submission, they shall become invalid for the future. The law on the state of siege may not be amended while it is in force.
- (6) The decisions of the Parliament in accordance to Paragraphs (2) and (3) are taken by the absolute majority of the total number of deputies, whereas the decision in accordance to the Paragraph (1) is taken by a majority of the three fifths of the total number thereof, in one only Session.
- (7) During the application of measures of the state of siege the provisions of the Articles 61 and 62 shall remain ipso jure in force, even if the term of Parliament has ended or if it has been dissolved.

Chapter III

Special Responsibilities

Article 49 [Immunity, Liability]

- (1) The President of the Republic shall not be held in any way responsible for the acts carried out in the discharge of his duties, save in the case of high treason or wilful violation of the Constitution. Prosecution for acts unrelated to the discharge of his duties shall be postponed until the end of the presidential term.
- (2) Impeachment motions against the President of the Republic shall be submitted to Parliament in writing signed by at least one third of the members thereof, and must be accepted by a decision taken by a two thirds majority of the total number of the members thereof.
- (3) If such motion be accepted, the President of the Republic shall appear before the special court provided for by Article 86, and the provisions relating thereto shall apply also in this case.
- (4) Following his impeachment, the President shall refrain from exercising his duties and shall be replaced in accordance with the provisions of Article 34. He shall resume again his duties, if his term of office has not expired after he has been acquitted by the court provided for by Article 86.
- (5) A law to be passed by the plenum of Parliament shall regulate questions relating to the implementation of the provisions of this Article.

Article 50 [Enumerated Powers]

The President of the Republic shall have no powers other than those explicitly assigned to him by the Constitution and by such special laws as are consistent therewith.

Section III Parliament

Chapter I

Election and Composition

Article 51 [Deputies, Right to Vote]

- (1) The number of deputies shall be determined by law, but the total number may not be less than two hundred or more than three hundred.
- (2) The deputies represent the Nation.
- (3) The deputies shall be elected by direct, universal, and secret ballot and by citizens having the right to vote as the law provides. The law cannot restrict the right to vote, save in cases of persons who have not attained the required age or on grounds of contractual incapacity or as a result of irrevocable penal sentence for certain crimes.
- (4) General elections shall be held simultaneously throughout the State. A law may regulate matters relating to the exercise of the right to vote by electors who are abroad.
- (5) The exercise of the right to vote is obligatory. The law shall determine in each case the exceptions and the penalties.

Article 52 [Free Expression of Popular Will]

The free and genuine expression of the popular will, being the expression of popular sovereignty, shall be guaranteed by all the functionaries of the State who shall be obliged to safeguard the said popular sovereignty in every case. A law shall determine the penalties for the violation of the foregoing provisions.

Article 53 [Parliamentary Term]

(1) Deputies shall be elected for four consecutive years starting from the date of the general election. Upon the conclusion of the parliamentary term, the holding of a general election within thirty days and the convocation of the new Parliament in regular session within a further thirty days from the date of the general election shall be ordered by presidential decree countersigned by the Cabinet.

(2) A Parliamentary seat which becomes vacant during the last year of a Parliamentary term shall not be filled through a by-election, when such an election is required by law, unless the number of vacancies exceeds one fifth of the total number of deputies.

(3) In the event of war, the Parliamentary term shall be extended for the whole of the duration thereof. If Parliament has been dissolved there shall be no general election until the conclusion of the war and the Parliament already dissolved shall be revived ipso jure.

Article 54 [Electoral Proceedings]

(1) The electoral system and electoral districts shall be determined by law.

(2) The number of deputies of each electoral district shall be determined by presidential decree on the basis of the population lawfully residing therein as shown in the latest census.

(3) A part of Parliament comprising not more than one tenth of the total number of deputies may be elected on the basis of the whole realm being treated as one single constituency, and in proportion to the total percentage of the vote of each party, as the law provides.

Chapter II

Incompatibilities of Deputy Office

Article 55 [Eligibility]

(1) In order to be elected deputy one must be a Greek citizen, have the legal right to vote and have attained twenty-five years of age by the day the election is held.

(2) Deputies deprived of any of the foregoing qualifications shall ipso jure forfeit the office of deputy.

Article 56 [Incompatibilities]

(1) Salaried civil functionaries and servants and officers of the army and the security forces, employees of local authorities or other bodies corporate of public law, mayors and presidents of village communities, governors or chairmen of boards of directors of bodies corporate of public law or public or municipal enterprises, public notaries, registrars of mortgages and transfers may not be nominated candidates, nor may they be elected deputies, unless they resign before their nomination as candidates. Such resignation shall take effect upon its submission in writing.

(2) By exception, university professors shall not be subject to the restrictions of the foregoing paragraph. A law shall regulate matters relating to the substitution thereof, and the professors who shall be elected deputies shall be barred from exercising the functions relating to their capacity as university professors during the Parliamentary term.

(3) Salaried civil servants, officers on active duty, and officers of the security forces, employees of bodies corporate of public law, directors and employees of state or municipal enterprises or institutions operating for the public benefit may not be nominated candidates or elected in any district wherein they served for more than three months during the last three years before the election. The former secretaries general of Ministries who held that position during the last four months of the four-year Parliament term shall be subject to the same restrictions. The said restrictions shall not apply on the candidates for deputies elected on the basis of the whole realm (State deputies) and the lower ranks of employees of the central state agencies.

(4) Civil servants and members of the armed forces in general who have undertaken in accordance with the law to remain in the service for a specific term cannot be nominated as candidates nor elected deputies during such term.

Article 57 [Incompatible Acts]

(1) The duties of deputy shall be incompatible with the functions or the status of member of board of directors or chairmen or director general or their substitute or employee of a commercial firm or enterprise enjoying special privileges or concessions or receiving a regular state subsidy by virtue of a special law.

(2) Deputies coming under any of the foregoing categories must, within eight days of the time when their election becomes final, declare their choice between the office of deputy and the above-mentioned functions. Failing such declaration they shall ipso jure forfeit the office of deputy.

(3) Deputies who assume any of the duties or functions which are specified in this and the foregoing article and are deemed incompatible with being candidate or deputy shall forfeit ipso jure their office.

(4) Deputies may not undertake procurement, research, or the construction of works for the State, the organizations of local authorities, or other bodies corporate of public law or public or municipal enterprises, or farm state or municipal taxes, nor may they lease real property owned by the foregoing or accept concessions of any kind on the said real property. Violation of the foregoing provisions shall result in forfeiture of the office of deputy and the invalidity of the act which led to the said violation. Such acts shall be null and void even when performed by commercial companies or enterprises wherein the duties of a director or administrative or legal advisor are performed by a deputy or when a deputy is a partner therein.

(5) A special law shall provide for the mode of continuation, assignment, or dissolution of agreements for the construction of works and the research referred to in Paragraph (4) which have been entered into by a deputy before his election.

Article 58 [Scrutiny]

The examination and verification of general election results, against the validity of which objections may be raised regarding either electoral irregularities during the conduct of the elections or lack of qualifications, shall be referred to the Court which shall be established under Article 100.

Chapter III

Duties and Rights of Deputies

Article 59 [Oath]

(1) Before entering upon their duties the deputies shall take the following oath in the House of Parliament in public session: "I swear in the name of the Holy, Consubstantial, and Indivisible Trinity to be loyal to the Motherland and the democratic form of government, obey the Constitution and the laws and discharge my duties conscientiously."

(2) Deputies of other religions or dogmas shall give the same oath in the manner of their own religion or dogma.

(3) Deputies who enter upon their duties during the recess of Parliament shall take the oath before a Department thereof which is in session.

Article 60 [Rights of Deputies]

(1) Deputies shall enjoy the unrestricted right to vote and express opinions according to their conscience.

(2) Deputies shall have the right to resign from the office of deputy; such resignation shall take effect upon submitting a written statement to the Speaker and shall be irrevocable.

Article 61 [Indemnity, Non-Persecution]

(1) Deputies shall not be persecuted or in any way questioned on account of an opinion or vote given by them in the discharge of their duties as deputies.

(2) Deputies may be prosecuted, with the leave of Parliament, for malicious slander, according to law. The competent court shall be the Appeal Court. Leave shall be deemed not granted if Parliament does not decide within forty five days from the day when the indictment was received by the Speaker. In the event that leave be not granted or the fixed period expire, the act shall be deemed unindicted. This paragraph shall be applicable as from the next parliamentary term.

(3) Deputies shall not be questioned in relation to information received or given by them in the discharge of their duties or in relation to persons who entrusted them with such information or to whom they provided the same.

Article 62 [Immunity]

During the parliamentary term no deputy shall be prosecuted, arrested, imprisoned, or in any way restricted without the leave of Parliament. Likewise, no deputy of Parliament which has been dissolved shall be prosecuted for political crimes from the dissolution of the said Parliament and until the declaration of the deputies of the new Parliament. Leave shall be deemed not given if Parliament should not decide within three months from the day on which the application of the Public Prosecutor to press charges be submitted to the Speaker. The fixed period of three months shall be suspended during the recess of Parliament. Leave shall not be required for crimes committed in flagrante delicto.

Article 63 [Remuneration]

(1) Deputies shall receive compensation and an expense allowance from the Public Treasury for the discharge of their duties. The amounts to cover both the foregoing shall be fixed by a decision taken by the plenum of Parliament.

(2) Deputies shall be exempt from transportation, postal, and telephone charges, the extent whereof shall be

fixed by a decision taken by the plenum of Parliament.

(3) If a deputy be absent for more than five meetings per month without cause, one thirtieth of his monthly compensation shall be deducted for each absence.

Chapter IV

Organization and Functioning of Parliament

Article 64 [Ordinary Sessions]

(1) Parliament shall meet ipso jure on the first Monday of October in regular session for the annual parliamentary work, unless the President of the Republic should convoke the same earlier under Article 40.

(2) The duration of the regular session shall be not less than five months which shall not include the period of suspension under Article 40.

(3) The regular session shall be obligatorily extended until the passing of the budget under Article 79 or the passing of the special law under the same article.

Article 65 [Regulations of Parliament]

(1) Parliament shall determine how it shall function in a free and democratic manner laid down by its Regulations, which shall be passed by the Plenum in accordance with Article 76 and published in the Government Gazette at the instructions of the Speaker.

(2) Parliament shall elect its President (Speaker) and the other members of the secretariat from its members according to the regulations.

(3) The Speaker and the Vice-Presidents shall be elected at the beginning of each Parliamentary term. This provision shall not apply to the Speaker and Vice-Presidents elected for the current first session of the Fifth Revisionary Parliament. Parliament may, at the proposal of fifty deputies, censure the Speaker or a member of the secretariat, which shall involve the termination of their tenure of office.

(4) The Speaker shall direct Parliamentary work, secure the unimpeded functioning thereof, safeguard the free expression of opinion by the deputies, and maintain order; he shall have the right to take against any unruly deputies disciplinary measures which are laid down in the Regulations of Parliament.

(5) The Regulations may provide for the setting up of a Parliamentary experts committee which would assist in the legislative work of Parliament.

(6) The Regulations shall determine the organization of the Parliamentary services, under the supervision of the Speaker. The acts of the Speaker which relate to the appointment and service conditions of Parliament personnel shall be subject to appeal or petition for annulment before the Council of State.

Article 66 [Publicity]

(1) Parliament shall meet in public in the House of Parliament; it may, however, meet in camera at the request of Government or fifteen deputies, provided a decision to that effect is reached in secret session by a majority; it shall then decide whether to repeat the debate on the same subject in public session.

(2) Ministers and Deputy-Ministers shall have free access to the meetings of Parliament and shall be given a

hearing whenever they ask for the floor.

(3) Parliament and Parliamentary Committees may require the presence of Ministers and Deputy-Ministers who are competent on the subjects under discussion. Parliamentary Committees may summon, through the competent Minister, any such public functionary whom they may consider useful for their work.

Article 67 [Quorum]

Parliament cannot make any decision without an absolute majority of the members present, which under no circumstances shall be less than one fourth of the total number of deputies. In the case of an equally divided vote the voting shall be repeated and if the vote be again equally divided, the motion shall be rejected.

Article 68 [Committees]

(1) At the beginning of each regular session, Parliament shall constitute Parliamentary committees the members whereof shall be deputies, with a view to processing and examining the bills and private members' bills which have been submitted and shall come before the Plenum and the Departments of Parliament.

(2) Parliament shall constitute committees of enquiry, the members whereof shall be deputies, by a majority of two fifths of the total number of deputies and following a proposal made by one fifth of the same number.

(3) The constitution of committees of enquiry on matters relating to foreign policy or national defence shall require a decision by Parliament taken by the absolute majority of the total number of deputies. Matters relating to the composition and functioning of the said committees shall be determined by the Regulations of Parliament.

(4) The Parliamentary committees, the committees of enquiry, and Departments of Parliament operating under Articles 70 and 71 shall be composed in proportion to the parliamentary strength of each party, group, or independent deputies, as laid down by the Regulations.

Article 69 [Reports to Parliament]

No one shall, without being summoned, appear before Parliament to report on any matter either orally or in writing. Petitions may be presented through a deputy or delivered to the Speaker. Parliament shall have the right to forward petitions addressed to it to the ministers and Deputy-Ministers who shall be obliged, whenever it be demanded, to provide explanations.

Article 70 [Deliberations]

(1) Parliament shall carry out its legislative work in plenum.

(2) The Regulations of Parliament shall provide for the exercise of legislative power, specified by the said Regulation, in Departments which shall not be more than two and shall be subject to the restrictions laid down in Article 72. The composition and functioning of the Departments shall be decided on each occasion by Parliament at the beginning of each session, by the absolute majority of the total number of deputies.

(3) The Regulations of Parliament shall also determine the allocation of competence among Departments in terms of Ministries.

(4) The constitutional provisions relating to Parliament shall apply to Parliamentary work carried out in the plenum as well as in the Departments, unless it be otherwise provided.

(5) The majority required for decisions taken by Departments of Parliament shall not be less than two fifths of the deputies of the Department.

(6) Parliamentary control shall be exercised by the plenum at least twice every week, as the Regulations of Parliament provide.

Article 71 [Recess]

During the recess of Parliament, the legislative work thereof, save legislation which must be passed by the plenum in accordance with provisions of Article 72 shall be carried out by a Department of Parliament which shall be constituted and operate in accordance with the provisions of Articles 68 (3) and 70.

Article 72 [Competences]

(1) The plenum shall discuss and vote upon the Regulations of Parliament and draft bills and private members bills relating to the election of deputies, matters specified in Articles 3, 13, 27, 28, and 36 (1), matters relating to the exercise and protection of individual liberties, the operation of political parties, the granting of authorization to legislate under Article 43 (4), Ministerial responsibility, the state of siege, the salary of the President of the Republic, the authoritative interpretation of laws according to Article 77, and any other matter to come under the plenum by virtue of a special provision of the Constitution or for the regulation whereof a special majority is required. The plenum shall also vote on the budget and the Annual Report of the State and Parliament.

(2) The first reading, the article by article, and the final reading and the voting upon all the bills or private members' bills may be carried out by a Department of Parliament, in accordance with the provisions of Article 70.

(3) The Department which shall vote on a draft bill or a private members' bill shall also rule finally on its competence, and it may refer any dispute to the plenum, by a decision taken by the absolute majority of the total number of the members thereof. The decision of the plenum shall be binding upon the Departments.

(4) The Government may introduce bills of major importance to the plenum instead of the Departments, to be discussed and voted upon.

(5) The plenum may demand, following a decision taken by the absolute majority of the total number of the members thereof, that draft bills or private member's bills pending before a Department be discussed by it and voted upon in the stages of the first, article by article, and final reading.

Chapter V

Legislative Function of Parliament

Article 73 [Initiative]

(1) The right of proposing laws shall belong to Parliament and the Government.

(2) Bills relating in any way to the granting of pensions and the prerequisites thereof shall be submitted only by the Minister of Finance following a recommendation by the Council of Comptrollers. In the case of pensions involving an increase in the budgetary expenditure of local authority bodies or other bodies corporate of public law, the bills in question shall be submitted by the competent Minister and the Minister of Finance. Such bills on pensions must be specific, the insertion of provisions regarding pensions in laws designed to settle other matters being prohibited and resulting in the annulment of the said bills.

(3) No bill, amendment, or addition shall be introduced for discussion, if it has been proposed by Parliament, so long as it entails the expenditure by or reduction in the revenue or property of the State, local authority organizations or other bodies corporate of public law for the payment of salaries or pensions or for the benefit of an individual.

(4) Amendments or additions, however, proposed by leaders of parties or representatives of groups in accordance with the provisions of Article 74 (3) shall be accepted in the case of bills relating to the organization of public services and public bodies, the condition of service in general of civil servants, military personnel and personnel of the local authorities or other bodies corporate of public law and public enterprises in general.

(5) Bills whereby local or specific taxes or burdens of any kind are levied in favor of organizations or bodies corporate of public or civil law must be countersigned also by the Ministers of Coordination and Finance.

Article 74 [Procedure of Introduction]

(1) All bills and private members' bills must be accompanied by a report stating the reasons therefor and before they can be introduced to Parliament, either the plenum or the departments, they may be forwarded to the Council of State for processing or to the experts committee under Article 65 (5) when this committee be established, in accordance with the Regulations.

(2) The bills and private members' bills which have been submitted to Parliament shall be referred to the relevant Parliamentary Committee. After the Committee has submitted its report thereon or the term set for this purpose has expired, the bill shall be introduced to Parliament for discussion after three days, unless the competent Minister has classified them as urgent. The debate shall commence after an oral report thereon has been given by the competent Minister and the rapporteurs of the Committee.

(3) Amendments by deputies on bills and private members' bills which fall within the competence of the plenum or the Departments of Parliament shall not be introduced for discussion unless they be submitted by the last day before the debate and unless the Government consents to their being discussed.

(4) No bill or private member's bill shall be introduced for discussion if it aims at the amendment of a provision of a law, unless it contains in the introductory report the text of the provision to be amended in extenso and in the text of the bill or private member's bill the new provision in extenso and as amended.

(5) Bills and private members' bills which contain provisions unrelated to the main object thereof shall not be introduced for discussion. No addition or amendment shall be introduced for discussion unless it be related directly to the main object of the bill or private member's bill. In the case of doubt, the decision rests with the Parliament.

(6) Once a month and on a day to be determined by the Regulations, pending private members' bills shall be included in the agenda according to priority and shall be discussed.

Article 75 [Bills Involving Budget Burden]

(1) All bills and private members' bills involving an increase in budgetary expenditure, if submitted by Ministers, shall not be introduced for discussion unless accompanied by a report by the General Accounting Office determining the said increase; if submitted by deputies, the bill, before any discussion, shall be submitted to the General Accounting Office which shall be obliged to submit its report within fifteen days; if by the end of this time no such report has been submitted, the bill may be introduced for discussion without a report.

(2) The same shall apply to amendments should the competent Ministers request this, in which case the General Accounting Office shall be obliged to submit its report within three days. Upon the expiry of this term the discussion may take place without a report.

(3) A bill involving expenditure or a reduction in budgetary revenue shall not be introduced for discussion unless accompanied by a special report on the manner of meeting the expenditure or reduction in revenue, countersigned by the competent Minister and the Minister of Finance.

Article 76 [Voting Proceedings]

(1) All bills and private members' bills brought before the plenum and the Departments shall be discussed and voted upon once in principle, then article by article, and finally as a whole.

(2) As an exception, bills and private members' bills shall be discussed by the plenum twice at two different meetings removed from each other by at least two days, in principle and article by article during the first debate and article by article and as a whole during the second debate, if one third of the total number of deputies should request so before the commencement of the discussion in principle.

(3) If amendments be accepted during the discussion, the vote upon the bill as a whole shall be postponed for twenty-four hours after the amended bill or private members' bill has been distributed.

(4) Bills or private members' bills designated by the Government as extremely urgent shall be introduced for voting after a limited debate in which, in addition to relevant rapporteurs, the Prime Minister or the competent Minister, the leaders of the parties represented in Parliament, and one representative of each one of the shall participate. The regulations of Parliament may limit the duration of the speeches and the debate.

(5) The Government may request that a bill or private member's bill of particular importance or urgency be discussed in a limited number of meetings which cannot be more than three. Parliament can extend the debate for two more meetings following the proposal of one tenth of the total number of deputies. The duration of each speech shall be determined by the Regulations of Parliament.

(6) The voting of judicial or administrative codes compiled by special committees established under special laws may be effected in the plenum by special law ratifying the said codes as a whole.

(7) The codification of existing provisions by simple classification thereof or the re-enactment as a whole of repealed laws, except for taxation laws, may be effected in the same manner.

(8) Bills or private members' bills which have been rejected by the plenum or by a Department shall not be introduced again during the same session or to the Department which will be in session after the termination thereof.

Article 77 [Authoritative Interpretation]

(1) The authoritative interpretation of the laws shall rest with the legislator.

(2) Laws which are not in effect interpretative shall become effective only after the publication thereof.

Chapter VI

Tax and Fiscal Administration

Article 78 [Tax Laws]

- (1) No tax shall be imposed or collected without a law which shall determine the subject of the tax, and the revenue, the kind of property, the expenses and transactions or the categories thereof to which the tax relates.
- (2) Taxes or any other financial burdens cannot be imposed by law with retroactive effect which extends beyond the financial year previous to the one during which the tax shall be levied.
- (3) As an exception, in the case of imposition or increase of an import or export duty or an indirect tax, the collection thereof shall be permitted as from the date of submission to Parliament of the pertinent bill, upon condition that the law be published within the time limits specified in Article 42 (1), and in any case not later than ten days from the termination of the session.
- (4) The object of taxation, the rate of the tax, the exemptions from taxation and other concessions and the awarding of pensions cannot be made subject to delegated legislative authority.
- (5) The determination by law of the manner in which the participation of the State and public bodies in general, in the automatic revaluation of the adjoining privately owned real property resulting exclusively from the construction of public works, shall be assessed, does not contravene the foregoing prohibition.

Article 79 [Budget Law]

- (1) In its annual ordinary session, Parliament shall vote the budget of the State for the following year.
- (2) All the revenues and expenditures of the State shall be shown in the budget and in the report on the budget returns submitted to it.
- (3) The budget shall be brought before Parliament by the Minister of Finance at least one month before the commencement of the fiscal year, and shall be voted in the manner determined by the Regulations of Parliament. The Regulations shall safeguard the right of all the political grouping in Parliament to express their views on the budget.
- (4) If the administration of revenues and expenditures as the budget provides should become impossible for any reason, such administration shall be carried out on the basis of a special law on each occasion.
- (5) If the vote upon the budget or the special law as aforesaid has become impossible owing to the termination of the Parliamentary term, the force of the budget of the fiscal year which has already or is about to terminate shall be extended for four months by virtue of a decree published at the proposal of the Cabinet.
- (6) A law may introduce the drawing up of a budget for two fiscal years.
- (7) Within at the latest one year from the end of the fiscal year, the report on the budget returns and the general financial statement of the State shall be brought before Parliament; both shall be examined by a special committee of deputies and the voted by Parliament in the manner determined by the Regulation of Parliament.f
- (8) The plans for economic and social development shall be approved by the plenum as the law provides.

Article 80 [Bills on Salaries, Pensions, and Currency]

- (1) No salary, pension, grant, or remuneration shall either be recorded in the budget of the State or granted unless provided for by an organizational or other special law.

(2) A law shall provide for the minting of issuance of currency.

Section IV: The Government

Chapter I

Constitution and Duties of Government

Article 81 [Cabinet]

(1) The Government consists of the Cabinet which comprises the Prime Minister and Ministers. The law shall determine matters referring to the composition and function of the Cabinet. A decree caused by the Prime Minister may appoint one or more Ministers Vice-Chairmen of the Cabinet. A law shall determine matters concerning the positions of Ministers without portfolio, and Deputy Ministers who may become members of the Cabinet and the position of the permanent Deputy Ministers.

(2) No person who does not satisfy the requirements for holding the office of deputy, according to Article 55, shall be appointed member of the Government or Deputy Minister.

(3) All professional activities of the members of the Government, the Deputy Ministers, and the Speaker shall be suspended while they discharge their duties.

(4) A law may establish the incompatibility of the office of Minister or Deputy Minister with other functions as well.

(5) In the absence of Deputy Prime Minister, the Prime Minister shall, whenever the need arises, appoint a Minister his substitute.

Article 82 [Prime Minister]

(1) The Government determines and directs the general policy of the State, in accordance with the provisions of the Constitution and the laws.

(2) The Prime Minister shall safeguard the unity of the Government and direct the activity thereof and that of public services in general with a view to implementing Government policy within the framework of the law.

Article 83 [Ministers]

(1) Each Minister shall exercise the duties allotted to him by law. Ministers without portfolio shall exercise whatever duties they may be entrusted with by the Prime Minister.

(2) The Deputy Ministers shall carry out whatever duties they may be entrusted with by a joint decision of the Prime Minister and the competent Minister.

Chapter II

Relations between Parliament and Government

Article 84 [Confidence of Parliament]

(1) The Government must enjoy the confidence of Parliament. The Government must ask for a vote of confidence from Parliament within fifteen days from the swearing in of the Prime Minister and may do so at

any other time. If Parliament should be in adjournment when the Government is formed, Parliament shall be convened within fifteen days in order to decide on the motion of confidence.

(2) Parliament may, by its decision, withdraw its confidence from the Government or from a member of the Government. A motion of no confidence in the Government may not be submitted before the lapse of six months from the rejection by Parliament of such a motion. The motion of no confidence must be signed by at least one sixth of the deputies and must contain in detail the topic to be discussed.

(3) By exception, a motion of no confidence may be submitted before the lapse of the said six month period if it be signed by the total number of deputies.

(4) The debate on the motion of confidence or no confidence shall commence two days after the submission of the said motion, unless the Government in the case of a motion of no confidence should ask for the debate to be held immediately, and may not be extended beyond three days from the commencement thereof.

(5) The vote on the motion of confidence or no confidence shall be taken immediately after the end of the debate; it may, however, be postponed for forty-eight hours if the Government should ask for such postponement.

(6) No motion of confidence shall be upheld unless it be approved by the absolute majority of the deputies present, which may not be less than two fifths of the total number thereof. A motion of no confidence shall only be upheld if approved by the absolute majority of the total number of deputies.

(7) The Ministers and Deputy Ministers who are also deputies shall be permitted to vote on such motions.

Article 85 [Responsibility]

The members of the Cabinet and the Deputy Ministers shall be jointly responsible for the general policies of the Government, and each one of them for the acts carried out by commission or omission within his competence, in accordance with the provisions of the laws relating to ministerial responsibility. No written or oral instruction by the President of the Republic shall absolve the Ministers and Deputy Ministers from their responsibility.

Article 86 [Impeachment]

(1) Parliament shall have the right to impeach the present or former members of the Government and Deputy Ministers, in accordance with the laws on the responsibility of Ministers, before the ad hoc tribunal presided over by the President of the Supreme Court and composed of twelve judges chosen by lot by the Speaker in public session from among all the members of the Supreme Court and the Presidents of Courts of Appeal who were appointed prior to the impeachment, in the manner provided in detail by law.

(2) No prosecution against, no questioning or preliminary questioning of the persons specified in Paragraph (1) for acts carried out by commission or omission in the discharge of their duties shall be permitted, before Parliament has decided on the matter. If during an administrative enquiry, evidence which may establish the liability of a member of the Government or Deputy Minister under the law about Ministerial responsibility should come to light, the persons conducting the enquiry should forward the evidence to Parliament through the competent public prosecutor after the conclusion of the said enquiry. Only Parliament shall have the right to suspend penal proceedings.

(3) Should the impeachment procure against a Minister or Deputy Minister be not concluded for any reason including prescription, Parliament may, at the request of the accused party and by a decision taken by it,

constitute a special committee consisting of deputies and high ranking judicial functionaries, which shall examine the charges, in accordance with the Regulations.

Section V: Judicial Authority

Chapter I

Judicial Functionaries and Employees

Article 87 [Independence]

(1) Justice shall be administered by the courts which shall consist of regular judges who shall enjoy personal and functional independence.<Picture: General Legislation>

(2) In the discharge of their duties, the judges shall be subject only to the Constitution and the laws and under no circumstances they shall be obliged to comply with legislation enacted after the abolition of the Constitution.

(3) The regular judges shall be supervised only by their seniors and the Prosecutor and Deputy Prosecutors of the Supreme Court<Picture: Constitutional Court>; the public prosecutors shall be supervised by their seniors and the Supreme Court judges, as the law provides.

Article 88 [Appointment and Guarantees of Independence]

(1) All judicial functionaries shall be appointed by presidential decree, on the basis of a law determining their qualifications and the procedure of selection; judicial functionaries shall be appointed for life.

(2) The salaries of judicial functionaries shall be commensurate with their status. Matters relating to the grading, salary scales, and the general conditions pertaining thereto shall be determined by special legislation.

(3) A law may provide for a training and probation period for judicial functionaries prior to their regular appointment which cannot exceed three years. During that period they may discharge the duties of a regular judge, as the law provides.

(4) Judicial functionaries may not be dismissed without a prior judicial decision either in consequence of criminal conviction, or because of a grave disciplinary offence, or sickness or physical incapacity or professional inadequacy, duly certified in such manner as the law directs and in accordance with the provisions of Article 93 (2) and (3).

(5) Judicial functionaries up to the rank of Appeal Court Judge and Assistant Prosecutor in the Appeal Court and the ranks equivalent thereto, shall mandatorily retire from service upon attaining the age of sixty-five, and all judicial functionaries of higher rank or equivalent thereto shall mandatorily retire from service upon attaining the age of seventy years. For the implementation of this provision the day of attainment of the said age limit shall in every case be deemed the 30th of June of the year in which the judicial functionary shall retire.

(6) The transfer of judicial functionaries from one judicial branch to another shall be prohibited. By exception such transfer of regular judges shall be permitted in order to fill up one half of the positions of Assistant Prosecutor in the Supreme Court, as well as transfers of assistant First Instance Court judges to the position of assistant Appeal Court judges, at the request of the judges transferred, as the law provides.

(7) The tribunals or committees specially provided for by the Constitution and wherein members of the

Council of State and the Supreme Court participate, shall be presided over by the senior judge.

Article 89 [Incompatibilities]

- (1) Judicial functionaries shall not be permitted to render any other services against remuneration nor to exercise any other profession.
- (2) By exception, judicial functionaries may be elected members of the Academy or professors or lecturers of Universities and may participate in special administrative tribunals and in councils or committees, save the boards of directors of public enterprises, and commercial companies.
- (3) Judicial functionaries may also be charged with administrative duties either in addition to the discharge of their main duties or exclusively for a specified period of time, as the law provides.
- (4) Judicial functionaries shall not be permitted to participate in Government.
- (5) The establishment of a union of judicial functionaries shall be permitted, as the law provides.

Article 90 [Change of Status]

- (1) All judicial functionaries shall be promoted, appointed, transferred from one judicial branch to another and from one post to another, and detailed by presidential decree issued following the concurring opinion of the Supreme Judicial Council, which consists of the President of the relevant high court and the members of the same court chosen by lot, among those who have completed two years of service, as the law provides. The Prosecutor of the Supreme Court shall be a member of the Supreme Judicial Council of civil and penal justice, and the Commissioner General of the State shall be a member of the Council of Comptrollers.
- (2) The council specified in Paragraph (1) shall include an increased number of members, as the law provides, when it decides on the appointments to the positions of counsellor to the Council of State, member of the Supreme Court, Assistant Prosecutor of the Supreme Court, president of the Appeal Court Judges, prosecutor of the Appeal Court and counsellor to the Council of Comptrollers. The provision of the last clause of Paragraph (1) shall also apply in this case.
- (3) If the Minister should disagree with a decision of the Supreme Judicial Council, he may refer the said decision to the plenum of the relevant High Court, as the law provides. The right to appeal to the plenum shall also be given to the excepted judicial functionary under the condition laid down by law.
- (4) The decisions of the plenum on matters referred thereto and the decisions of the Supreme Judicial Council to which the Minister did not disagree shall be binding on the Minister.
- (5) Promotion to the office of President and Vice-President of the Council of State, the Supreme Court and the Council of Comptrollers shall be effected by presidential decree, issued at the proposal of the cabinet, from amongst the members of the respective High Court, as the law provides. Promotion to the office of Prosecutor of the Supreme Court shall be effected by a similar decree from amongst the members of the Supreme Court and the Assistant Prosecutors thereof.
- (6) The acts or decisions taken under the provisions of this article shall not be subject to appeal before the Council of State.

Article 91 [Disciplinary Authority]

- (1) Disciplinary authority over judicial functionaries from the rank of member or assistant prosecutor of the

Supreme Court and the ranks equivalent and higher thereto, shall be exercised by the Supreme Disciplinary Council, as the law directs. Disciplinary actions shall be brought by the Minister of Justice.

(2) The Supreme Disciplinary Council shall consist of the President of the Council of State as President, two Vice Presidents or Counsellors of the same council, two Vice Presidents of the Supreme Court or members thereof, two Vice Presidents or members of the Council of Comptrollers and two professors of the Law Faculty of the Universities of the Country, as members. The members of the Council shall be chosen by lot, amongst those who have completed at least three years of service in the relevant high court or Law Faculty, and in each case, the members of the court upon the action of a member or prosecutor whereof the Council is called upon to give judgement shall be excluded from the said council. In the event of disciplinary action against members of the Council of State, the Supreme Disciplinary Council shall be presided over by the President of the Supreme Court.

(3) Disciplinary authority over the rest of the judicial functionaries shall be exercised in the first and second instance by councils consisting of regular judges, chosen by lot, as the law provides. Disciplinary action may also be brought by the Minister of Justice.

(4) Disciplinary decisions taken under the provisions of this article shall not be subject to appeal before the Council of State.

Article 92 [Clerks]

(1) The clerks of the Secretariat of all courts and Prosecutors' offices shall be permanent. They can only be dismissed by a court decision following a penal conviction or by a decision of a judicial council following a grave disciplinary offence, sickness, physical disability or professional inadequacy in the manner laid down by the law.

(2) The qualifications of the secretariat clerks of all courts and Prosecutors' offices and matters relating to their service conditions shall be determined by law.

(3) Judicial clerks shall be promoted, transferred from one judicial branch to another and from one post to another, appointed and detailed following the concurring opinion of judicial councils, and disciplinary authority thereon shall be exercised by their superior judges or prosecutors and judicial councils, according to the law. An appeal may be lodged against decisions of the said councils relating to promotion or disciplinary orders, as the law provides.

(4) Notaries public, registrars of mortgages and transfers and directors of land registry offices shall hold their posts permanently, if such services and posts be in existence. The provisions of Paragraph (1) shall apply to them per analogia. They shall retire upon attaining the age of seventy years.

(5) Notaries public and non-salaried registrars of mortgages and transfers must retire upon attaining the age of seventy years, and the rest upon attaining the age limit laid down by law.

Chapter II

Organization and Competence of the Courts

Article 93 [Jurisdictions]

(1) The Courts are divided into administrative, civil, and penal and shall be organized by virtue of special laws.

(2) The sessions of the courts of law shall be public, except when the court decides that publicity would be detrimental to good morals or that there are special reasons for which the private or family life of the litigants must be protected.

(3) All court rulings shall be duly supported and shall be pronounced in public session. The minority opinion must be published. A law shall determine matters relating to the entering of minority opinions in the minutes book, and the terms and conditions for their publication.

(4) The courts must not apply laws the content whereof is contrary to the Constitution.

Article 94 [Regular Administrative and Civil Jurisdiction]

(1) Administrative disputes relating to matters of substance shall be resolved by the existing regular administrative courts. Those of the above-mentioned disputes which have not yet been referred to the said courts must come under their jurisdiction within five years from the Constitution being put into effect; the aforegoing time limit may be extended by law.

(2) Until the rest of administrative disputes relating to matters of substance be brought before the regular administrative courts, the said disputes shall continue under the jurisdiction of civil courts, save those for which special administrative courts have been established which observe the provisions of Article 93 (2)-(4).

(3) All private disputes shall fall within the jurisdiction of civil courts, and also the cases of voluntary jurisdiction referred to the said civil courts.

(4) Any other administrative jurisdiction which has been determined by law may be the province of the civil or administrative courts.

Article 95 [Council of State]

(1) The following shall be the main matters to come under the jurisdiction of the Council of State:

a) The annulment, upon petition, of enforceable acts of the administrative authorities on grounds of abuse of authority or violation of the law.

b) The quashing, upon petition, of final decisions pronounced by administrative courts on grounds of abuse of authority or violation of the law.

c) The trial of administrative disputes relating to matters of substance which have been submitted to it in accordance with the Constitution.

d) The processing of all regulatory decrees.

e) Any other administrative competence which shall be awarded to it by the Constitution or the laws.

(2) The provisions of Article 93 (2) and (3) shall not apply on the exercise of the jurisdiction specified under clause d) of the aforegoing paragraph.

(3) A law may refer the judging of certain categories of cases falling under the competence of the Council of State to annul, to regular administrative courts of a different instance; the highest instance, however, shall always be the Council of State.

(4) The aforegoing jurisdiction of the Council of State shall be regulated and exercised as the law provides.

(5) The Administration shall be obliged to comply with the annulment decisions of the Council of State. Any member of the Administration who shall violate such obligation shall be held liable therefor.

Article 96 [Regular Penal Jurisdiction]

(1) The regular penal courts shall be responsible for the punishment of crimes and the taking of all measures under the penal laws.

(2) It shall be possible by law:

a) to entrust the authorities exercising police duties with the trial of police offenses punishable by fine;

b) to entrust agrarian security authorities with the trial of misdemeanors relating to farm lands and the private disputes arising therefrom. In both the foregoing cases the decisions issued shall be subject to appeal which shall have suspensive force, before the competent court.

(3) Special laws shall regulate matters relating to juvenile courts to which the provisions of Article 93 (2) and 97 may not be applied. Sentence in these courts may be pronounced in camera.

(4) Special laws shall regulate matters relating to:

a) Court martials of the army, navy, and air force. Civilians may not be brought under the jurisdiction of such courts martial.

b) Prize courts.

(5) The courts specified in Subparagraph a) of the foregoing paragraph must comprise a majority of Military Justice Corps members, who shall be covered by the guarantees of operational and personal independence under Article 87 (1). The provisions of Article 93 (2)-(4) shall apply on the sessions and orders of the said courts. Matters relating to the implementation of the provisions of this paragraph and the time when they shall be brought into effect, shall be determined by law.

Article 97 [Political Offenses]

(1) Criminal and political offenses shall be tried by mixed courts, composed of a majority of regular judges and jurors, as the law provides. Sentences pronounced by the said courts shall be subject to the legal remedies which are specified by law.

(2) Criminal and political offenses which, until this Constitution comes into force, come under the jurisdiction of the Appeal Courts by virtue of Constitutional acts, resolutions or special laws, shall continue to be tried by the said courts, so long as the law does not refer them to mixed courts. A law may place other crimes as well under the jurisdiction of the same appeal courts.

(3) Press offenses irrespective of degree shall fall within the jurisdiction of the regular penal courts, as the law provides.

Article 98 [Council of Comptrollers]

(1) The following shall fall within the jurisdiction of the Council of Comptrollers:

a) The control of the expenditure of the State and the local authority bodies and other bodies corporate of public law which shall be placed under the control of the State by virtue of special legislation.

- b) The report of the budget returns and the general financial statement of the State submitted to Parliament.
 - c) Advice on laws relating to pensions or recognition of services for the granting of a right to pension in accordance with Article 69 (2) and any other matters determined by law.
 - d) The control of accounts of persons who owe monies to the State and the local authority bodies and bodies corporate of public law mentioned in Subparagraph a).
 - e) The trial of appeals on disputes relating to the granting of pensions and the control of accounts in general.
 - f) The trial of cases relating to the liability of civil or military servants and local authorities personnel for any loss sustained by the State or the said bodies and resulting from dolus or negligence.
- (2) The foregoing jurisdiction of the Council of Comptrollers shall be regulated and exercised in accordance with provisions of the law. The provisions of Article 93 (2) and (3) hereof shall not apply in the cases of Subparagraphs a) to d) in the foregoing paragraph.
- (3) The decisions of the Council of Comptrollers on the cases of Paragraph (1) shall not be subject of the control of the Council of State.

Article 99 [Wrongful Judgment]

- (1) Suits of wrongful judgement instituted against judicial functionaries shall be tried, as the law provides, by a special tribunal composed of the President of the Council of State as President and one Councillor of the Council of State, one member of the Supreme Court, one Councillor of the Council of Comptrollers, two full professors of law from the faculties of Law of Greek Universities and two lawyers who are members of the Supreme Disciplinary Council of lawyers, as members; the foregoing shall be chosen by lot.
- (2) In each case, the member of the particular body or branch of the judiciary upon whose action or omission on the part of the functionaries thereof the tribunal is called upon to render judgement shall be excluded from the Special Tribunal. In the case of suits of wrongful judgement instituted against members of the Council of State or functionaries of the regular administrative courts, the President of the said Special Tribunal shall be President of the Supreme Court.
- (3) No permission shall be required to institute a suit of wrongful judgement.

Article 100 [Special Supreme Tribunal]

- (1) A Special Supreme Tribunal shall be established, which shall deal with the following matters:
- a) The trial of appeals under Article 58.
 - b) the examination of the validity and the results of referenda held under Article 44 (2).
 - c) The rendering of judgement in relation to incompatibilities or the forfeiture of the office of deputy under Article 55 (2) and 57.
 - d) The remedy of conflicts between the courts and administrative authorities, or between the Council of State and the regular administrative courts of the one part and of the other part the civil or penal courts, or, finally, between the Council of Comptrollers and the rest of the courts.
 - e) The clarification of the constitutional character or the meaning of a provision of a formal law, in the event

that contrary decisions have been issued by the Council of State, the Supreme Court or the Council of Comptrollers.

f) The clarification of the nature of provisions of international law as generally accepted, in accordance with the provisions of Article 28 (1).

(2) The tribunal mentioned in the foregoing paragraph shall be composed of the President of the Council of State as President, and the President of the Supreme Court and the Council of Comptrollers, four Councilors of the Council of State and four members of the Supreme Court, chosen by lot every two years, as members. President of the court shall be the President of the Council of State or the President of the Supreme Court, according to seniority. In the cases specified in Subparagraphs d) and e) of the foregoing paragraph, two professors of law of the Law Faculty of Greek Universities, also chosen by lot, shall be members of the said tribunal.

(3) A special law shall regulate matters relating to the organization and function of the tribunal, the appointment, substitution and compensation of the members thereof, and the procedure of the said tribunal.

(4) the decisions of the said court shall be irrevocable. A law provision which has been declared unconstitutional shall cease to have any effect from the publication of the decision relating thereto or from the time specified in the said decision.

Section VI: Administration

Chapter I

Organization of the Administration

Article 101 [Decentralization]

(1) The administration of the State shall be organized in accordance with the system of decentralization.

(2) The administrative division of the Country shall be formulated on the basis of geoeconomic, social, and communications conditions.

(3) The regional state organs shall have general effective jurisdiction on the matters relating to their region, and the central services, in addition to the special jurisdiction, shall be responsible for the general direction, coordination and control of the regional organs, as the law provides.

Article 102 [Local Authorities]

(1) The administration and management of local matters shall belong to the Local Authority bodies, the lower level whereof shall be the municipalities and the village communities. The other levels shall be determined by law.

(2) The local authority bodies shall be administratively autonomous. The members of the Local Authority bodies shall be elected by universal and secret ballot.

(3) A law may provide for voluntary or mandatory associations of local authority bodies with a view to constructing works or rendering services, which shall be administered by elected representatives of every municipality or village community, in proportion to the population thereof.

(4) A law may establish local authority bodies of second degree, in whose administration elected

representatives of the local professional, scientific and cultural associations and the state administration may participate, up to one third of the total number of members.

(5) The State shall supervise the Local Authority bodies without hindering their initiative of free activities. The disciplinary sentences of suspension and dismissal from the office of elected member of local authority bodies, shall be pronounced only after the concurring opinion of a committee which shall comprise a majority of regular judges, save those cases which result in ipso jure dismissal.

(6) The State shall be concerned with the provision of adequate means for the attainment of their aims of the local authority bodies. A law shall regulate matters relating to the granting and allocating among the said bodies of the taxes or fees received by the State.

Chapter II

Status of Administrative Functionaries

Article 103 [Public Servants]

(1) Public servants shall carry out the will of the State, serve the people, and owe allegiance to the Constitution and loyalty to the Motherland. Their qualifications and mode of appointment shall be determined by law.

(2) No person shall be appointed civil servant to an organic post not provided for by law, save those exceptions recognized by special law in the case of unforeseen and urgent need, in which case it shall be permitted to employ personnel for a specified period of time on the basis of private contracts.

(3) Organic posts for special scientific and technical or ancillary personnel may be filled by persons employed on the basis of private contracts. A law shall determine the conditions for such appointments and the special guarantees under which the thus appointed personnel shall be placed.

(4) The regular civil servants who occupy organic posts shall be permanent so long as the posts in question exist. The salary scale of the said civil servants shall be that which is determined by law and except for cases of retirement as a result of attainment of the age limit or dismissal by virtue of a judicial decision, they shall not be transferred without an advisory opinion or lowered in rank or discharged without a special decision of a council at least two thirds of the members whereof must be permanent civil servants. Appeal against decisions of the said council shall be permitted before the Council of State, as the law provides.

(5) Exceptions from the provisions concerning permanence may be introduced by law in the case of senior administrative personnel occupying posts not included in the civil service scale, persons directly appointed with the rank of ambassador, the employees of the Household of the President of the Republic, the office of the Prime Minister and the offices of deputy Prime Ministers, ministers, deputy ministers.

(6) The provisions of the foregoing paragraph shall also apply to the employees of Parliament whose service conditions shall be in all other respects governed by the Regulations of Parliament, and to personnel of local authority bodies and other bodies corporate of public law.

Article 104 [Incompatibilities, Restrictions]

(1) No person mentioned in the foregoing article may be appointed to more than one post in the civil service, or local authority body or other body corporate of public law or public enterprise or organization operating for the public benefit. By exception, appointment to a second post may be permitted by special law without any prejudice however to the provisions of the following paragraph.

(2) The additional remuneration or any other emoluments of civil servants according to the foregoing article, may not exceed in monthly total the regular monthly remuneration of their organic posts.

(3) No previous permission of the administrative authorities shall be required for the trial of civil servants, and employees of local authority bodies or other bodies corporate of public law.

Chapter III

Regime of Mount Athos

Article 105 [Traditional Self-Government]

(1) The Athos Peninsula extending beyond Megali Vigla and constituting the district of Mount Athos shall, in accordance with its ancient privileged status, be a self-governing part of the Greek State whose sovereignty thereon shall remain unaffected. Spiritually, Mount Athos shall come under the direct jurisdiction of the Oecumenical Patriarchate. All persons residing therein shall acquire Greek nationality upon admission as novices or monks without any further formality.

(2) Mount Athos shall, in accordance with its regime, be governed by its twenty Holy Monasteries, among which the entire peninsula is divided and its territory shall be exempt from expropriation. The administration shall be exercised by representatives of the Holy Monasteries who constitute the Holy Community. No change whatsoever shall be permitted in the administrative system or the number of monasteries of Mount Athos, nor in their hierarchy and their position in regard to their dependencies. The dwelling therein of heterodox or schismatic persons shall be prohibited.

(3) The determination in detail of the Mount Athos regimes and the manner of operation thereof is effected by the Constitutional Charter of Mount Athos, which, with the co-operation of the State representative, is drawn up and voted by the twenty Holy Monasteries and ratified by the Oecumenical Patriarchate and the Parliament of the Hellenes.

(4) The correct observance of the Mount Athos regimes shall, in the spiritual sphere, be under the supreme supervision of the Oecumenical Patriarchate and, in the administrative field, under the supervision of the State which shall be exclusively responsible for safeguarding public order and security.

(5) The foregoing powers of the State shall be exercised through a Governor whose rights and duties shall be determined by law. A law shall also determine the judicial power exercised by the monastic authorities and the Holy Community, as well as the customs and taxation privileges of Mount Athos.

Part IV

Special, Final, and Transitional Provisions

Section I: Special Provisions

Article 106 [State and Economy]

(1) The State shall plan and co-ordinate economic activity in the country in order to consolidate social peace and protect the general interests with a view to achieving the development of all the sectors of the national economy. It shall take the necessary measure for the exploitation of the national resources in the atmosphere and the sub-terranean and under-sea deposits and for the promotion of regional development with special emphasis on strengthening the economy of mountainous and other areas and the islands.

(2) Private enterprise may not be exercised in any way detrimental to liberty, human dignity and the national economy.

(3) Without prejudice to the protection afforded under Article 107 in relation to re-exporting foreign capital, a law may regulate matters concerning the takeover of enterprises or the compulsory participation therein by the State or other public bodies, if the said enterprises are of monopolistic nature or of vital importance to the development of national resources or have as their main purpose the rendering of services to society as a whole.

(4) The price for the takeover or the compulsory participation by the State or other public bodies must be determined by the courts and must be commensurate to the value of the enterprise which is taken over or the value of the participation therein.

(5) Shareholders, partners, or owners of enterprises whose control shall be taken over by the State or a state-controlled body as a result of compulsory participation therein under Paragraph (3), shall have the right to demand to sell their holding, as the law provides.

(6) A law may determine the contribution to the State expenditure by those who shall benefit from the construction of utilities or works of overall significance for the economic development of the country.

Article 107 [Foreign Investments]

(1) The laws of increased formal effect enacted before the 21st April 1967 and relating to the protection of foreign capital, shall retain their increased formal effect and apply on capital imported in the future. The provisions of chapters A to D of Section A of law 27/75 about "the tax on shipping, the levying of contributions towards the development of merchant shipping, the setting up of foreign shipping enterprises and the regulation of matters relevant thereto" shall have the same increased effect.

(2) A law to be issued once and for all and within three months from the day when the Constitution comes into effect, shall lay down the terms and condition and the procedure for the revision or dissolution of all the approving administrative acts irrespective of form or the agreements for the investment of foreign capital made under legislative decree 2687/1953 from 21st April 1967 up to 23rd July 1974, save those relating to the registration of ships flying the Greek flag.

Article 108 [Greeks Living Abroad]

The State shall be concerned with those Greeks who live abroad and the maintenance of their links with the Motherland. It shall also take measures for the education and the social and professional advancement of the Greeks who are employed abroad.

Article 109 [Protection of Wills]

(1) The alteration of the contents or conditions of a will, codicil, or donations, so far as its provisions in favor of the State or the public benefit are concerned, shall be prohibited.

(2) By exception, it shall be permitted to utilize the bequest or donation for the purpose intended or any other purpose in the area designated by the donor or the testator or in a larger area, with a view to increasing the benefit therefrom, after a court decision has certified that it has become impossible to carry out the will of the testator or the donor for any reason, in whole or for the greater part thereof, or if such will may be better satisfied with the new utilization of the said bequest or donation, as the law provides.

Section II: Revision of the Constitution

Article 110 [Limits and Proceedings]

- (1) The provisions of the Constitution, save those which determine the basis and the form of government as a Parliamentary Republic with a President as Head of State and those of Articles 2 (1), 4 (1), (4) and (7), 5 (1) and (3), 13 (1) and 26 shall be subject to revision.
- (2) The need to revise the Constitution shall be ascertained by a decision of Parliament taken following a motion by at least fifty deputies, approved by a majority of three fifths of the total number of deputies in two votes separated from each other by at least one month. The same decision shall determine in detail the provisions to be revised.
- (3) Once the revision has been decided upon by Parliament, the following Parliament in its first session shall, with an absolute majority of all the members thereof, decide on the provisions to be revised.
- (4) If the proposal for the revision of the Constitution be approved by the majority of the total number of deputies but not by the majority of three fifths specified in Paragraph (2), the following Parliament in its first session may decide on the provisions to be revised by a majority of three fifths of the total number thereof.
- (5) Every revised provision of the Constitution shall be published in the Government Gazette within ten days from the day it was approved by Parliament, and shall be put into effect by a special Parliamentary resolution.
- (6) The Constitution may not be revised before the lapse of a five year period from the previous revision thereof.

Section III: Transitional Provisions*Article 111 [General Provisions]*

- (1) Any provisions of law or regulatory administration acts which are contrary to the Constitution shall be repealed upon this Constitution coming into effect.
- (2) Constitutional acts issued from 24 July 1974 and until the convocation of the Fifth Revisionary Parliament, and the Resolutions of the said Parliament shall remain enforce, even if they contain provisions which are contrary to the Constitution. It shall be permitted to amend or repeal such provisions by law. The provision of Article 8 of the Third Constitutional act of 3/9/1974 relating to the retirement age of university professors shall be repealed when this Constitution comes into effect.
- (3) The following shall remain in force:
 - a) Article 2 of Presidential decree No. 700 of 9 Oct. 1974 relating to "the partial reapplication of Articles 5, 6, 8, 10, 12, 14, 95 and 97 and the lifting of the state of siege", and
 - b) legislative decree No. 167 of 16 November 1974 relating to "the granting of the right to appeal against decisions of courts martial." It shall be permitted to amend or repeal the foregoing by law.
- (4) The Resolution of 16/29 April 1952 shall remain enforce for six months after this Constitution has come into effect. It shall be permitted within the above specified fixed term to amend, supplement, or repeal by law the constitutional acts or resolutions mentioned in Article 3 (1) of the said Resolution, to retain the whole or part thereof even after the fixed term has lapsed, provided that the amended, supplemented, or retained enforce provisions be not contrary to this Constitution.

(5) Greeks who have been deprived of their citizenship in any way before this Constitution comes into effect, shall recover the same following the decision of special committees which shall consist of judicial functionaries, as the law provides.

(6) The provision of Article 19 of legislative decree 3370/1955 relating to "the ratification of the Code of Greek Citizenship" shall remain in force until it be repealed by law.

Article 112 [Prospective Laws]

(1) In the case of matters for the regulation whereof the provisions of this Constitution explicitly provide for the enactment of a law, the laws or the regulatory administrative acts which shall be in force in each case when this Constitution comes into effect shall remain in force until the respective laws be issued, save those which are contrary to the provisions of the Constitution.

(2) The provisions of Articles 109 (2) and 79 (8) shall be applied, when the laws specially provided by each of them come into effect; the said laws must be issued not later than the end of 1976. Until the law provided by Article 109 (2) comes into effect, the constitutional and legal regulation which shall be in force when the Constitution comes into effect, shall continue to apply.

(3) In accordance with definition specified in the Constitutional Act of 5th October 1974, which shall remain enforce, the prohibition relating to the discharge of duties on the part of professors who have been elected deputies during the whole of the current Parliamentary term shall not cover the teaching, research, writing, and scientific work carried out in the laboratories and institutes of their departments; the said professors shall be barred from participating in the administration of their departments, the election of teaching staff in general and the examination of students.

(4) The application of Article 16 (3) relating to the compulsory attendance at school shall be completed by law within five years from this Constitution coming into effect.

Article 113 [Regulations of Parliament]

The Regulations of Parliament, the resolutions relating thereto and the laws relating to Parliamentary work shall remain enforce until the new Regulations for Parliament come into effect, save those which are contrary to the Constitution. In the case of the Departments of Parliament which are covered by Articles 70 and 71, the provisions of the last Regulations for the Special Legislative Committee of Article 35 of the 1952 Constitution and in accordance with the detailed provisions of Article 3 of section A of Resolution of 24/12/1974, shall apply as complementary. Until the new Regulations of Parliament come into effect, the Committee of Article 71 shall consist of sixty regular and thirty alternate members selected by the Speaker from all the parties and groupings in proportion to the numerical strength thereof. If any objections should be raised about the provisions to be applied in each case before the publication of the new Regulations, the plenum of the Department of Parliament in relation to the function whereof the matter shall have arisen, shall decide.

Article 114 [President]

(1) The election of the first President of the Republic must be effected not later than two months from the publication of the Constitution in a special session of Parliament called by the Speaker thereof at least five days in advance, in compliance with the provisions of the Regulations of Parliament relating to the Speaker. The elected President of the Republic shall enter upon his duties after being sworn in and not later than five days of his election. The law referred to in Article 49 (5) and relating to the regulation of matters in connection with the responsibility of the President of the Republic must be published before 31 December 1975. Until the law referred to in Article 33 (3) comes into effect, the matters specified in the foregoing

paragraph shall be governed by the provisions relating to the pro tempore President of the Republic.

(2) From the day when the Constitution comes into effect and until the President of the Republic enters upon his duties, the pro tempore President of the Republic shall exercise the powers given to the President of the Republic by the Constitution, under the restrictions contained in Article 2 of Section B of the Resolution of the Fifth Revisionary Parliament of 24/12/1974.

Article 115 [Jurisdiction]

(1) Until the law provided for by Article 86 (1) be issued, the existing provisions relating to the prosecution, questioning, and judging, in accordance with Articles 49 (1) and 85, of acts carried out by commission or omission, shall continue to apply.

(2) The law provided for by Article 100 must be issued not later than one year after this Constitution comes into effect. Until this law be issued and the Supreme Special Tribunal constituted thereby beings operating:

a) The doubts referred to by Article 55 (2) and Article 57 must be settled by a decision of Parliament taken in accordance with the provisions of the Regulations dealing with personal questions.

b) The control of the validity and the results of referenda held under Article 44 (2) and the hearing of appeals against the results of general elections under Article 58 shall be carried out by the Special Tribunal provided for by Article 73 of the 1952 Constitution and the procedure laid down by Article 116 et seq. of Presidential Decree 650/1974 shall apply.

c) The removal of conflicts referred to in Article 100 (1).

d) shall fall within the jurisdiction of the Conflicts Tribunal provided for by Article 65 of the 1952 Constitution; the laws in connection with the organization, functioning, and procedure before the said Tribunal shall also remain in force.

(3) Until the law provided for by Article 99 comes into effect, suits of wrongful judgment shall be tried under the provisions of Article 100 of the 1952 Constitution by the court specified by these provisions and in accordance with the procedure which shall be in force when this Constitution be published.

(4) Until the law provided for by Article 87 (3) and until the judicial and disciplinary councils under Articles 90 (1) and (2) and 91 be established, the relevant provisions which shall be in force when the Constitution comes into effect shall remain in force. The laws relating to the foregoing questions must be issued not later than one year after this Constitution has become effective.

(5) Until the laws referred to in Article 92 come into effect, the provisions which shall be in force when the Constitution becomes effective shall remain in force. The said laws must be issued not later than one year after this Constitution has come into effect.

(6) the special law referred to in Article 57 (5) must be issued not later than six months after this Constitution has become effective.

Article 116 [Articles 22, 44]

(1) Existing provisions which are contrary to Article 44 (2) shall remain in force until they be repealed by law not later than 31 December 1982.

(2) Any deviation from the provisions of Article 4 (2) shall be permitted on for adequate reasons in the cases

specially provided for by the law.

(3) Regulatory ministerial decisions and provisions of collective agreements or arbitration awards in connection with incomes which contravene the provisions of Article 22 (1) shall remain in force until they be substituted; such substitution must be effected not later than three years after this Constitution has come into effect.

Article 117 [Old Laws]

(1) The laws which had been issued until 21 April 1967 under Article 104 of the 1952 Constitution are deemed not contrary to this Constitution and shall remain in force.

(2) Article 17 notwithstanding, it shall be permitted to effect the legal regulation and dissolution of such long term tenancies and other quit-rent burdens as may still exist, the buying off of full ownership by holders of emphyteutic holdings, and the abolition and regulation of real relations of a peculiar nature.

(3) Public or private forests or forest areas which have been or will be destroyed by fire or otherwise deforested shall not be divested for that reason of their status prior to their destruction, and must be declared reforest areas, the use whereof for any other purpose being prohibited.

(4) The expropriation of forests or forest areas which belong to persons or bodies corporate of private law shall be permitted only in favor of the State, in accordance with the provisions of Article 17, and for reasons of public benefit; their forestal character shall, in any case, remain unaltered.

(5) The expropriations which have already or will be declared until the existing legislation relating thereto be adjusted to the provisions hereof shall be governed by the laws in force at the time of the declaration of the expropriation.

(6) Article 24 (3) and (5) shall apply on the housing areas which are recognized as such or transformed from the time when the laws provided for by the provisions of the foregoing paragraphs become effective.

Article 118 [Judicial Promotions]

(1) Senior judicial functionaries not in service when the Constitutional act of 4/5 September 1974 "about the restoration of order and harmony in the judicial branch" came into effect and relegated by virtue of the said act and because of the time when their promotion was effected and against whom no disciplinary action was taken under Article 6 of the said act, must be brought before the Supreme Disciplinary Council by the competent Minister not later than three months after this Constitution has become effective.

The Supreme Disciplinary Council shall decide whether the conditions under which the person was promoted affect his prestige and his particular position in the service, and shall also rule finally on whether the person in question shall recover or not the rank which had been ipso jure forfeited and the rights relating thereto; no difference of salary or pension shall be paid retroactively.

The said decision must be taken within three months.

The closest living relatives of the relegated and deceased judge may exercise all the rights afforded to those tried before the Supreme Disciplinary Council.

Article 119 [Annulment of Acts]

(1) A law may lift the bar on petitions for annulment of acts issued from 21 April 1967 until 23 July 1974,

irrespective of the way it operated and whether such petition had been submitted or not; the retroactive payment of monies due to those whose petition may be upheld shall be prohibited.

(2) Those military or civil servants who shall be, by virtue of law, ipso jure reinstated in their former public posts and have already been elected deputies must state within eight days their choice between the office of deputy and their public post.

Section IV: Final Provision

Article 120 [Right to Resist]

(1) The Constitution passed by the Fifth Revisionary Greek Parliament shall be signed by the Speaker and published in the Government Gazette by the pro tempore President of the Republic by decree countersigned by the cabinet and shall come into effect on the eleventh of June 1975.

(2) Respect for the Constitution and the laws consonant thereto and allegiance to the motherland and Democracy constitute the fundamental obligation of all the Greeks.

(3) Usurpation in any way of national sovereignty and the powers which are derived therefrom shall be punished upon the restoration of the lawful authorities and the prescription of the crime shall commence from that day.

(4) Observance of the Constitution shall be committed to the patriotism of the Greeks who shall have the right and the obligation to resist by any means anybody who tries to subvert it violently.

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