
The Parliament in the time of coronavirus

Greece

The Greek Parliament in the context of the Covid-19 crisis.

Tackle effectively the novel pandemic

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Greece is a presidential parliamentary democracy (or republic¹) (art. 1.1 Const.).²

The President is the Head of State of Greece. The President is elected by Parliament every five years (art. 32.1 Const.).³ The Prime Minister is the leader of the majority party in Parliament and serves to unite the Government. The Prime Minister together with his ministers and alternate ministers make up the Ministerial Council, which is the top decision-making institution in the country. The Prime Minister is selected by the President and is the leader of the Government.⁴

1. The Parliament

1.1. The institution

The Parliament is the supreme democratic institution; it represents the citizens through an elected body of Members of Parliament (MPs). In the Hellenic Constitution, there is a presumption of competence in favour of the Parliament (art. 50 Const.). The Hellenic Parliament is made up of 300 parliamentarians elected every four years by Greek citizens⁵.

1.2. How the Parliament works: Plenum of Parliament and Recess Section

¹ The [Greek](#) word “δημοκρατία” can be translated both ways.

² The Constitution of Greece, as revised by the parliamentary resolution of 25 November 2019 of the IXth Revisionary Parliament, available in English [here](#).

³ The incumbent President is Katerina Sakellaropoulou, who took office on 22 January 2020. On 17 October 2018 she was appointed President of the Council of State and remained in that position until 11 February 2020. On 22 January 2020, she was elected the first female President of the Hellenic Republic by Parliament, securing 261 votes out of a total of 300. She took the oath before Parliament on 13 March 2020 and assumed office the following day.

⁴ The incumbent prime minister is Kyriakos Mitsotakis, who took office on 8 July 2019.

⁵ The electorate elects MPs at a general election by direct, universal, secret ballot (article 51.3 Const.). The Constitution does not determine the total number of parliamentarians (article 51.1 Const.), but does stipulate that there shall be no fewer than two hundred (200) or more than three hundred (300). Since 1952, the overall number of Hellenic Parliament MPs has been 300. Members of Parliament receive their title and privileges on the day they are elected. Part of those 300 MPs, no more than 1/20, may be elected not in a specified constituency but rather throughout the country at large. These are the State Deputies, whose exact number depends on the total electoral strength of each party (article 54.3 Const.).

The Plenum consists of all the MPs elected in the same general election. General elections are normally held every four years, unless Parliament is dissolved earlier. The interval between two elections is a ‘parliamentary term’, in which the Parliament holds regular sessions, while the Constitution of Greece provides for extraordinary and special sessions as well.

The Plenum is mainly responsible for the legislative and parliamentary control functions. When Parliament is in recess between two Sessions, part of the legislative and parliamentary control business is exercised by the compositions of the Vacation / Recess Section (art. 71 Const.).

There are three consecutive compositions of the Recess Section each year during the summer recess, each consisting of a third of the total number of MPs. In the Recess Section, **one third** of the total number of MPs participate.

1.3. The Parliament decides

The Plenum decides by a majority of the MPs who are present. The majority has to be at least $\frac{1}{4}$ of the total number of MPs (300) in the Plenum. The Greek Constitution and Parliament’s Standing Orders provide for the cases that require special or qualified majority voting.

1.4. The Parliament legislates

Legislative work, namely voting on Bills and law proposals and exercising parliamentary control over the Government, are the core activities of Parliament.

The legislative initiative belongs to the Government, through one or more of its ministers, and to the MPs individually or as a group.

Ministers introduce Bills (draft laws), amendments and additions while MPs introduce law proposals, amendments and additions under the conditions laid down by the Constitution.

1.5. Submission of Bills and Law Proposals to Parliament

An explanatory report accompanies every Bill and law proposal to elaborate on its purpose and objectives. If a Bill or a law proposal incurs additional expenses for the State Budget, it must be accompanied by a General Accounting Office report specifying the amount of expenditure involved.

If a Bill results in expenditure or a reduction in revenues, a special report regarding the coverage of the expense is attached and is signed by both the Minister for Finance and the competent Minister. Bills must also be accompanied by an impact assessment report and by a report on the results of the public consultation that took place prior to the submission of the Bill.

The Scientific Agency of the Parliament also submits a review on the proposed provisions.

The Bills and law proposals are then announced to the Assembly; they are subsequently referred either for elaboration and examination or for debate and voting by the competent Standing Committee of the Parliament.

The elaboration and examination of a Bill or law proposal includes two stages that must be at least seven (7) days apart. At the first stage, a debate in principle and on the articles is conducted; at the second stage, a second reading takes place followed by a debate and vote by article. During the legislative elaboration of every Bill or law proposal by the competent Standing Committee and until the second reading of the relevant articles, every special permanent committee can express its opinion on any specific issue that falls within its competence.

1.6. Parliament debates and votes on Bills and law proposals

Once the appropriate Standing Committee has completed the elaboration and examination or the debate and voting on Bills and Law Proposals, the latter are entered in the Order of the Day to be debated and voted in the Plenum.

Bills and law proposals debated and voted on by the appropriate Standing Committee are voted on at once in principle, by article and as a whole, by the Plenum (art. 76.1 Const).

The Recess Section may debate and vote only those Bills and Law Proposals that do not fall exclusively within the competence of the Plenum, according to the Constitution.

The President of the Republic promulgates and publishes all the Bills and law proposals passed by the Parliament within one month of the vote.

However, according to the Constitution (art. 76.4–5 Const):

“4. A Bill or law proposal designated by the Government as very urgent shall be introduced for voting after a limited debate in one sitting, by the Plenum or by the Section of article 71, as provided by the Standing Orders of Parliament.

5. The Government may request that a Bill or law proposal of an urgent nature be debated in a specific number of sittings, as specified by the Standing Orders of Parliament.”

1.7. Means of Parliamentary Control

Means of parliamentary control include, in addition to a censure motion (art. 142 of the Standing Orders⁶): a) petitions, b) questions, c) current questions, d) applications to submit documents, e) interpellations f) current interpellations, and g) investigation committees.

1.8. Judicial review of the constitutionality of laws

All Greek courts, especially the Council of State (the Hellenic Supreme Administrative Court) and the Special Highest Court (art. 100 Const.), often address constitutional rights protection issues (art. 93.4 and art. 100.5 Const.) when exercising judicial review of the constitutionality of laws. The absence of a constitutional court sometimes works against a unified, coherent jurisprudence.⁷

⁶ According to this article: “1. By a resolution and following a submission of a motion of censure, the Parliament may withdraw its confidence towards the Government or towards one of its members. The motion of censure must be signed by at least one sixth (1/6) of the MPs and include the specific matters that are to be discussed.”

⁷ Nonetheless, a large part of Greek constitutional jurisprudence deals with the delineation of the protective scope of rights and the permissibility of restrictions.

2. Legal framework to face the pandemic

2.1. The relevant constitutional provisions

According to article 44 [“Acts of Legislative Content” (ALC)] of the Constitution:

“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.”

The ALCs are considered as acts of a *sui generis* legislative organ formed by the President and the Council of ministers. Article 44.1 introduces an exception to the rule of article 26.1 Const. that: “1. The legislative powers shall be exercised by the Parliament and the President of the Republic.” The issuance of the ALCs takes place at least temporarily in the absence of the Parliament.⁸

The ALCs are not regulatory (administrative acts). This means that any petition of annulment against them before the Counsel of State is rejected as unacceptable.⁹

According to article 43. 2, Cont.:

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

So, the issuance of regulatory acts is permitted by virtue of special delegation granted by an ALC.¹⁰

2.2. Measures taken by government/public authorities

2.2.1. General measures

The Greek Government adopted general measures in response to the Coronavirus COVID-19

⁸ See Spyropoulos (Ph.), *Constitutional Law*, Sakkoulas ed., 2nd edn. 2020, p.110.

⁹ CoS Ass 2291/2015, 1250/2003, 3636/1989, 2289/1987

¹⁰ CoS Ass. 1305, 1421/2019.

outbreak in the form of ALCs.

Joint Ministerial Decisions [art. 43.2 Const.] and circulars are issued to implement or specify the provisions in the Acts of Legislative Content.

The core measures adopted from the beginning of the pandemic in February until June are incorporated in more Acts of Legislative Content, which multiple ministerial decisions and circulars continue to specify.

2.2.2. The first Act of Legislative Content (ALC)

This first act of legislative content was adopted on 25 February 2020.¹¹ It focuses on preventive measures such as medical checks, pharmaceutical treatments, confinement and vaccination, the closure of public spaces and the suspension of artistic and sports events. Following the issuance of this act, the Ministry of Education and Religious Affairs imposed the closure of all educational institutions in Greece until 24 March 2020 with its decision of 10 March 2020.¹²

Pursuant to this ALC of 25 February 2020, three Joint Ministerial Decisions¹³ and circular No 5/2020/18–3-2020¹⁴ of the Ministry of Development and Investments were issued mandating the effective horizontal closure of all retail businesses, restaurants, cafe bars, cinemas, theatres, fitness centres, museums, catering and tourist businesses until 31 March 2020. The same measure is imposed in the case of tourist lodging businesses until 30 April 2020. Catering and retail businesses are allowed to maintain delivery and take-away services.

2.2.3. First set of emergency measures

On 11 March 2020, a new set of emergency measures was adopted through the second ALC; these focused on the negative financial impact of the Coronavirus COVID-19 outbreak.¹⁵

The ALC of 11 March 2020 provides for measures suspending debt repayment obligations, extending the deadlines for repayments by taxpayers and enterprises, allowing flexible arrangements in work schedules, providing for special-purpose leave for workers, suspending upcoming parades, and obliging radio and TV stations to transmit information messages.

As far as the implementation of the above measures is concerned, specific instructions to workers and employers were issued by the Ministry of Labour and Social Affairs on 12 March 2020 by way of a circular specifying the measures of special purpose leave for working parents, of remote

¹¹ Act of legislative content “On emergency measures of prevention and limitation of the contagion of the coronavirus”, (OG A’ 42/25-2-2020).

¹² Greece, Ministries of Development and Investments, Citizen Protection, Education and Religious Affairs, Labor and Social Affairs, Health, Culture and Sports, Interior, Joint Ministerial Decision “on the imposition of temporary closure of [...] educational institutions [from] 11.3.2020 until 24.3.2020.”), No D1a/GP.oik 16838, OG B’ 783/10-3-2020.

¹³ See O.G B’ 855/13-3-2020, O.G B’ 857/14-3-2020, O.G B’ 915/17-3-2020.

¹⁴ The Ministry of Development and Investments, Circular No 5/2020/18-3-2020, [available in Greek](#).

¹⁵ Act of legislative content “on emergency measures to counteract the negative impact of the coronavirus COVID-19 emergence and the need to limit its contagion” (OG A’ 55/11-3-2020).

work and insurance payments.¹⁶ The special purpose leave for working parents of children attending compulsory education units¹⁷ or special schools¹⁸ is mandated to last as long as the closure of these schools. The possibility of tele-work is addressed in the same circular, to be decided upon by individual employers.

2.2.4. Additional emergency measures

The next ALC was published on 14 March 2020 and contained additional emergency measures in response to the need to limit the transmission of Coronavirus COVID-19.¹⁹

This ALC of 14 March 2020 includes measures extending the schedules of catering services and obliges supermarkets and pharmacies to inform public authorities on their available stock of sanitation products and antiseptics. In addition, article 13.1 of this ALC of 14 March 2020 provides for a supportive mechanism for workers. Concrete relief measures in favour of self-employed individuals, employees and the unemployed were announced by the Ministry of Labour and Social Affairs in a press release on 18 March 2020.²⁰ These measures constitute the aforementioned supportive mechanism and include a special purpose compensation of €800 to be paid in April to employees working in enterprises which have suspended their operations, postponement of the payment of insurance and tax obligations for self-employed individuals and businesses, and the extension of unemployment benefit for a two-month period for those who would normally stop receiving it on 31 March 2020.

For the purposes of the effective implementation of the new support mechanism, the Ministry of Labour and Social Affairs issued a Joint Ministerial Decision²¹ providing details on the procedure, including the setting up of an online platform for collecting the applications. The above Joint Ministerial Decision also provides for a special reduction of rent for employees working in businesses which were obliged to suspend operations. It must be underscored that employees who continue to work through tele-work, or employees who were already on another form of leave such as maternity or educational leave, are exempted from the support mechanism, since their financial and insurance status are not impacted by the suspension of operation of the businesses they are employed by.

2.2.5. Other emergency measures

Moreover, by dint of the ALC of 20 March 2020, more urgent measures are taken to address the consequences of the risk of the spread of COVID-19, to support society and entrepreneurship, and to ensure the smooth running of the market and public administration (OG A' 68). On 30 March 2020, a new ALC provides for more measures for the treatment of coronary heart disease COVID-19

¹⁶ The Ministry of Labor and Social affairs, Circular No 12339/404/12-3-2020, [available in Greek](#).

¹⁷ Kindergarten, Nursery, Primary and Junior High School.

¹⁸ Education units for persons with disabilities regardless of age.

¹⁹ OG A' 64/14-3-2020.

²⁰ Ministry of Labor and Social affairs, Declaration of Giannis Vrotsis on the second set of one-off support measures for workers, freelancers, the self-employed, the unemployed and businesses with a non-redundancy clause, Press Release, 18 March 2020, available in Greek at <https://www.ypakp.gr/uploads/docs/12319.pdf>

²¹ Ministry of Labor and Social Affairs, Joint Ministerial Decision No 12997/231 O.G B' 993/23-3-2020 on "Mechanism of application of support measures of employees in response to the negative impact of coronavirus COVID-10", [available in Greek](#).

(OG A' 75).

Furthermore, on 13 April 2020, by dint of another ALC (OG A' 84), more measures are adopted to address the ongoing consequences of the COVID-19 pandemic.

Finally, since it concerns the period of lockdown, the ALC of 1 May 2020 (OG A' 90) includes further measures to address the continuing effects of the COVID-19 coronary pandemic and the return to social and economic normality.

2.3. Impact of the health crisis on the functioning of Parliament

2.3.1. Impact on parliamentary procedure

Because of the health crisis, the Parliament suspended most of its work between 17 March and 25 May. It continued some of its activities via tele-working.

Some sessions took place, but only a few parliamentarians were permitted to participate in these sessions.

Thus, during the health crisis period, from 18 March until 25 May, 19 parliamentary committees (Standing Committees, Special Standing Committees, Special Permanent Committees, and Committees on Parliament's Internal Affairs) suspended their work.

The permanent Committees convened normally during this period in order to ratify the already published ALC.

The Special Permanent Committee on Parliamentary Ethics was convened twice, on 10 April and 27 May. All Committees were convened normally once more in the last week of May.

2.3.2. ALCs and the role of Parliament

The Greek Government made use of the enabling provision in art. 44 Const. to issue ALCs, the most important of which was issued on 20 March. The Government used this mechanism to provide for the initial measures tackling the containment of the spread of coronavirus, but also wisely delegated to ministers the power to take additional measures, if the situation deteriorated further.

Indicative of the political acceptance of the constitutionality and effectiveness of the measures is the fact that, when the relevant ALCs were submitted to Parliament for ratification, they were ratified by a majority larger than that of the Government MPs, being voted down only by the Greek Communist Party.

Nevertheless, according to Professor Spyros Vlachopoulos²², the danger of Mithridatism²³ lurks

²² Vlachopoulos (s.), *Constitutional Mithridatism. Individual Freedoms in pandemic eras* (in Greek), Eurasia, 2020.

²³ Mithridatism is the practice of protecting oneself against a poison by gradually self-administering non-lethal amounts. The word is derived from Mithridates VI, the King of Pontus, who so feared being poisoned that he regularly ingested small doses, aiming to develop immunity.

behind these practices employed by the Government.²⁴

2.3.3. How did the Parliament react?

The Government brought all the published ALCs before the Parliament quickly, even during the pandemic, and the Parliament ratified the ALCs within the constitutional time limits. Some examples are relevant:

2.3.3.1. Law no 4682/2020²⁵

20 March 2020 is the Deposit Date of the relevant Bill of the Ministry of Health along with the relevant explanatory report, the General Accounting Office report, and the Impact assessment report. It was then examined on 31 March 2020 by the relevant Standing Committee on Social Affairs. 2 April 2020 is the date of the vote and 3 April the date on which it was published in the OG.²⁶

2.3.3.2. Law no 4683/2020²⁷

3 April 2020 is the Deposit Date of the relevant Bill of the Ministry of Health along with the relevant explanatory report, the General Accounting Office report, and the Impact assessment report. It was then examined on 7 April 2020 by the relevant Standing Committee on Social Affairs. 9 April 2020 is the date of the vote and 10 April the date on which it was published in the OG.²⁸

2.3.3.3. Law 4684/2020²⁹

14 April 2020 is the Deposit Date of the relevant Bill of the Ministry of Health along with the relevant explanatory report, the General Accounting Office report, and the Impact assessment report. It was then examined on 22 April 2020 by the relevant Standing Committee on Social Affairs. 24 April 2020 is the date of the vote and 25 April the date on which it was published in the OG.³⁰

²⁴ Professor Vlachopoulos (op. cit.) raises the question of whether the suspension of fundamental rights to deal with the coronavirus pandemic could threaten the "health" of the Republic. In his opinion, "constitutional mithridatism" refers to the risk of continuing to tolerate restrictions placed on our rights after the end of the emergency in the light of which the restrictions were introduced. Because even after the end of the emergency there is a risk that restrictions on individual freedoms, such as privacy, will continue or intensify with the use of new state-of-the-art technological applications. The question is how we defend our legal culture. Suspension of freedoms is a "treatment" so toxic that it must be strictly temporary. Furthermore, the author also answers the question of whether power, equipped with the "pins" of technology, can penetrate the cell of our individual freedom just as the virus with its own pins attacks biological cells. He concludes that constitutional law is called upon to answer these questions without succumbing to either "constitutional populism" or "constitutional mithridatism".

²⁵ Law no 4682/2020 (OG A '76 / 03.04.2020) Ratification: a) of ALC of 25 February 2020 "Urgent measures to avoid and limit the spread of coronavirus" (OG A' 42), b) ALC of 11 March 2020 "Urgent measures to address the negative consequences of the occurrence of COVID-19 on coronary artery disease and the need to limit its dissemination" (OG A' 55), and c) ALC of 14 March 2020 "Urgent measures to address the need to reduce the spread of COVID-19 corona" (OG A' 64) and other provisions.

²⁶ Only two Speakers: One for the Government (Evangelos Liakos) and one for the Opposition (Nikolaos Pappas).

²⁷ Law no 4683/2020 (OG A' 83/10.04.2020) Ratification of the ALC of 20 March 2020 "Urgent measures to address the consequences of the risk of the spread of COVID-19 corona, to support society and entrepreneurship and to ensure the smooth running of the market and public administration" (OG A '68) and other provisions.

²⁸ Only two Speakers: One for the Government (Miltiadis Chrysomallis) and one for the Opposition (Georges Tsipras).

²⁹ Law 4684/2020 (OG A' 86/25.04.2020) Ratification of ALC of 30 March 2020 ALC "Measures for the treatment of coronary heart disease COVID-19 and other urgent provisions" (OG A' 75) and other provisions.

³⁰ Only two Speakers: One for the Government (Dimitrios Markopoulos) and one for the Opposition (Konstantinos Zachariadis).

2.3.3.4. Law 4690/2020³¹

20 May 2020 is the Deposit Date of the relevant Bill of the Ministry of Health along with the relevant explanatory report, the General Accounting Office report, and the Impact assessment report. It was then examined on 27 May 2020 by the relevant Standing Committee on Social Affairs. 29 May 2020 is the date of the vote and 30 May the date on which it was published in the Official Gazette.³²

3. How Parliament worked during the pandemic

3.1. Reduced meetings

Since one of the core principles of the coronavirus era is to gather fewer people together in the same places, the Hellenic Parliament has also adapted to this principle. Parliament maintains its core functions—passing laws, ratifying ALCs, overseeing the Government—in the era of Covid-19, too. Both committees and plenary sessions focus on measures needed for the Government to respond to the crisis.

The Covid-19 pandemic has forced Parliament to limit physical meetings and function remotely, but MEPs were still able to approve urgent EU measures to fight the pandemic.

For example, the Plenary Session operates with a maximum of sixty (60) deputies present. As there are 25 parliamentary committees, 19 of which are made up of fewer than 25 deputies, these committees now meet in the large Trophy Hall, on the first floor. The other committees meet in the Senate Hall and in the Plenary Hall.

Moreover, due to the pandemic, the doors of the Parliament's Plenary Hall remained open for the first time in its history.

During the lockdown, many parliamentarians attended the meetings of the standing committees that they exceptionally continued their works online. Online hearings were then possible.³³

After the lockdown era, Parliament put in place a procedure allowing deputies to vote remotely for the first time. Voting previously required a physical presence. The infrastructure is now also in place to allow deputies to participate in the sessions from their homes. It will be brought into use should a new round of restrictive measures have to be introduced.

3.2. Impact on parliamentary oversight of the Government

The Constitution states that the Government is subject to Parliamentary control in accordance with the procedure set out in Parliament's Standing Orders.

³¹ Law no 4690/2020 (OG A' 104/30.05.2020), Ratification of A) ALC of 13 April 2020 "Measures to address the ongoing consequences of the COVID-19 corona pandemic and other urgent provisions" B) ALC of 1 May 2020 "Further measures to address the continuing effects of the COVID-19 coronary pandemic and return to social and economic normality."

³² Only two Speakers: One for the Government (Spyridon Pnevmatikos) and one for the Opposition (Athanasios Papachristipoulos).

³³ The Special Permanent Committee on Parliamentary Ethics was convened twice, on 10 April and 27 May.

During the crisis, 16 sessions of Parliament took place for the exercise of Parliamentary control.³⁴

Also, individuals or groups of citizens addressed complaints or requests to the Parliament. In all, Parliament responded to 1800 petitions and questions during the quarantine period, but the relevant civil servants were working remotely.

As David Sassoli, President of the European Parliament, underlined: “Democracy should not be stopped by a virus. We need the democratic process to help us overcome this emergency”.

The Greek Government made extensive use of the powers afforded to it, as well as of the special procedures provided for by the Greek Constitution.

As a result of both wise constitutional design and effective government and parliamentary action, Greece performed impressively, successfully flattening the virus curve by the end of the first phase of the pandemic in June 2020.³⁵

Thus, according to Professor *Panagiotis Doudonis*³⁶, the former black sheep of the Eurozone is now a European paradigm for dealing with the novel pandemic effectively without deviating from the constitutional order and the protection of fundamental rights.

³⁴ In an article entitled “Parliament against coronavirus”, the Speaker of the Parliament, Costas Tassoulas, explains how the test posed by the pandemic was passed; see “[Parliament against coronavirus](#)” in the *Kathimerini* newspaper of 16 June 2020.

³⁵ See Papatolias (A.), ‘The “next day” of national and European constitutionalism. Interpretive reflections in the wake of the pandemic’, Papazisis ed., 2020. Professor Akritas Kaidatzis in an article in the *Argi* newspaper on 1 October 2020 entitled “[Antisocial rights in a time of pandemic](#)” argues that the health crisis resulting from the Covid-19 pandemic meets the definition of “extraordinary circumstances of an urgent and unforeseeable need” as laid down in article 44 of the Constitution, which regulates the issuance of Legislative Acts, but makes it clear that the exercise of some of our rights may become antisocial. The exercise of the right of free movement or assembly is considered antisocial, since it poses risks to public health, so we have to tolerate their extreme restriction. The guarantee of employment rights is also considered antisocial, in light of the economic impact of the pandemic, which is why we should tolerate their partial suspension, too. Ironically, sociability itself is perceived as antisocial. Social rights must be reduced as far as possible - that is the message of the measures.”

³⁶ Doudonis (P.), ‘Greece is no longer [Europe’s black sheep: coronavirus, Greek government’s response and the Constitution](#)’, U.K. Const. L. Blog (8th April 2020).