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Methods for Detecting and Measuring Corruption in Public Procurement in Greece: A Review of the new Law and Methodologies
Detecting and measuring corruption in public procurement is particularly challenging not least because there is scant agreement on how to define corruption or translate theoretical definitions into practical approaches.
Greece

- In 2015 alone, Greece spent about 11.1% of its GDP and 20.5% of total government expenditures on public procurement.

- Procurement is primarily conducted by decentralised and local contracting authorities (CAs).

- The impact of the 2008 economic crisis was harder on Greece than perhaps on any other country, with GDP per capital standing at around 50% below the best performing OECD countries, following a continuous decline since 2009.
The Greek government agreed to undertake a major process of structural reforms in order to increase efficiency of government.

Prior to the crisis, the Greek procurement system was marked by its singular complexity among both legal and institutional structures.
Substantial progress has already been made in consolidating and rationalising responsibilities, including through the creation of a Single Public Procurement Authority in 2011.
HSPPA established in 2011 (Law 4013/2011)

Purpose of establishment:

- Develop and promote national public procurement strategy, policy and action

- Ensure transparency, efficiency, cohesion and compliance in the implementation of public procurement procedures and contracts with national and European law
- Constantly improvement of the legislative framework on public procurement
- Control of proper application by government bodies and contracting authorities
- Single contact point with EU Institutions and International Public Procurement Organizations for exchanging opinions, information and data on the national public procurement strategy, legal framework and procedures for tendering for, awarding and performing public contracts
Main achievements

- **Consolidation and unification of PP Legislation** (one Law for works supplies, services, contracts)

- **Incorporation of the new EU Directives on public procurement into Greek Legal Framework** (8/8/2016 among the first 10 MS).

- **Adoption of the National Strategy on public procurement** (January 2017).
 Establishment of e-Transparency platform: Central Electronic Registry for Public Procurement (KIMDIS)

- Complete adoption of e-procurement ➔ October 2017 for contracts above 60,000 EUR (The procurement procedure, from publishing notices to submitting tenders, is performed electronically)

Guidances (e.g) Exclusion grounds, Selection criteria, Adapting (for CAs) and filling in (for EOs) ESPD, Award criteria, Subcontracting, Modification of contracts, Innovation procurement etc
Brief overview of current situation in key areas of public procurement

- **Integrity & Transparency:** Greece has undertaken numerous reforms in recent years to increase transparency and reduce opportunities for corruption. Since 2013, all CAs are obliged to publish their public tender information online, through the Diavgeia portal.
**e-Procurement:** The Greek Government has developed a central portal, known as Prometheus (www.promitheus.gov.gr) that hosts the e-procurement platform namely the “National Electronic Public Procurement System” (ESIDIS) and the “Central Electronic Registry for Public Procurement” (KIMDIS), which serves as a transparency register, as noted above, and an e-notification tool.
Control and Audit system: Several inspection-control bodies are in charge of inspection and control in specific sectors (public works, health and welfare services, public administration).
Monitoring arrangements: The HSPPA’s report on Monitoring Public Procurement in Greece provides valuable information on the most frequent reasons for misapplication or lack of legal certainty, including possible structural or recurrent problems in the application of public procurement rules.
The core findings and observations are based on the analysis of the following data:

- HSPPA’s decisions following request by CAs to apply a negotiated procedure without prior publication of a call for competition (articles 32 and 269 of law 4412/2016);
- 200 decisions of the Authority for the Examination of Preliminary Appeals;
- 195 decisions of the Hellenic Court of Audit;
- 50 decisions of the Council of State (Symvoulio Epikrateias);
- 335 decisions of the Administrative Court of Appeals.
The report also provides the baseline information, mainly qualitative character, on the following issues:

✓ Prevention, detection and adequate reporting of cases of procurement fraud, corruption, conflict of interests and other serious irregularities;

✓ Level of SMEs' participation in public procurement;

✓ Information on the practical implementation of national strategic procurement (green, social, innovative).
The Authority, in its power to provide guidance to competent public bodies and contracting authorities, has issued the 9/2015 guideline on "Fighting corruption in public procurement", by which it was attempted to encourage good practices regarding the prevention and detection of corruption practices in public tenders.
Conclusions
Thank you for your attention!