

The attainable and the desirable: the application of the new regulation of the Constitution

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In recent years, we have stated quite a lot of times, the necessity of issuing less Laws, Presidential Decrees, Ministerial Decisions, Administrative Acts, or any other regulation, which deals with businee agreement, social relationship, or any other sector of the society on our Country.

Our approach coincided with the one of International Organizations reports concerning Public Administration Reforms. The Organization for the Economic Cooperation and Development (O.E.C.D.) has pointed out that the Greek Government had to develop a more effective system of rules and to follow new, more efficient administrative procedures.

It is important to mention that Greek Public Administration is demonstrating a gradual improvement on the above subjects, but it needs time to reach the desirable level.

As is well known, the Constitution of the 5th Revisionary Assembly of Greeks came into force the 11th of June 1975. The Constitution was revised for first time in 1986, transformed into the demotic Greek language by the 6th Revisionary Assembly in 1996 (2nd resolution 6/3/1996), and revised for second time by the 7th Revisionary Assembly in 2001 (Resolution of 6/4/2001).

Nevertheless the Greek State has not yet issued all the required Acts for the integration of the constitutionally reform of 1975, neither for the reform of 1986. Moreover the latest amendment of 2001 requires the issue of 78 new Acts, which were embodied in the next of the new Constitution. A short reference of these new Acts is indicated in the following list:

Article of the Constitution	Ministry	Bill or Draft of Law for the execution of the Constitution Clauses	Time of passing thought the Parliament
5§5	M. of Health and Welfare	Protection of the individual against biomedical methods and protection of the genetic identity.	Proposals of the National Bioethic Committee are expected

5A§1 and 2	M. of National Economy and M. of Interior Affairs	Law Act for the safeguarding of the Right to the Information and for the participation into the Information Society	February 2002
14§5,7,9	M. of Press and Media as well as M. of Justice, M. of Interior Affairs	Liability of the Press for slanderous publication, civil and penal liability, property rights	October 2001 The subject is covered by the existing legislation with the exemption of the regulation for «the basic shareholder»
15§1	M. of Press and Mass Media as well as M. of Interior Affairs	Monitoring of Radio and T.V. Broadcasting. Broadcasting of the Parliamentary Sittings and of the election campaign of the Parties	Reconsideration of the existing legislation
15§2	M. of Interior Affairs, Public Administration and Decentralization	Broadcasting of the Parliamentary Sittings and of the election campaign of the Parties free of charge	December 2001
14§4 and 117§7	M. of Finance and M. of Justice and M. of E.L.P.P.W. ¹	Amendment of the Law 2882/2001, Code of Expropriation (in harmonization with the articles of the new Constitution)	December 2001
19§2	M. of Transportation and Communication	Establishment of Independent Administrative Authority for the protection of the privacy in Communications	The draft of Law is ready to pass through the Parliament
24§1	M. of Agriculture and. M. of E.L.P.P.W.	Law Act for the protection of the forests	December 2001
29§2	M. of Interior Affairs, Public Administration and Decentralization	Regulation for the financial support of the Parties, in order to safeguard the transparency and the bound of the election expenditure	December 2001

1. Ministry of Environment, Land Planning and Public Works.

51§4	M. of Interior Affairs, Public Administration and Decentralization	Vote by mail	2002
54§2	M. of Interior Affairs, Public Administration and Decentralization	Presidential Decree, which determines the number of the Members of the Parliament in each constituency, according to the last census	After March 2002
57§1c	M. of Interior Affairs, Public Administration and Decentralization as well as M. of Justice	Incompatible with the parliamentary status, compatible activities with the parliamentary status, social security and pensions of the Members of the Parliament	December 2002
82§4	M. of Foreign Affairs	Establishment and regulation of the National Council of Foreign Affairs	December 2001
86	M. of Justice	Penal Liability of the Members of the Government and of the deputy Ministers	December 2001
88 Interpretive declaration	M. of Justice	Issues according the first decree jurisdiction of the civil courts	October 2001
88§2b	M. of Justice	Settlement of disputes for the wages and the pensions of Judges	December 2001
88§6 section c	M. of Justice	Administrative Judge's promotion to the rank of the Counsellor of the State	October 2001
89§2	M. of Justice	Replacement of Judges in councils and committees	November 2001
89§3	M. of Justice	Submit arbitration to the legal functionaries	November 2001
90§1-3 and 5	M. of Justice	Establishment of the Higher Juridical Councils	November 2001

2. Higher council for the selection of employees of the Public Sector.

90§ 5 section b	M. of Finance as well as M. of Justice	Regulation of issues concerned with the Pension of the Presidents of the Supreme Courts	December 2001
94§1 and 3 95§1 and 3	M. of Justice	Regulation concerning the Jurisdiction about the abrogation of a Law, the repeal of a degree, the cancellation of an order by the Ordinal Administrative Courts as well by The Supreme Court «Council of State». In addition the determination of the cases which should be subject to Cassation	December 2001
94§4 section b 95§4 and 5 section b and c	M. of Justice, as well as M. of Internal Affairs and M. of Finance	Compliance of Administrative Authorities with the unappeasable decisions of the Courts. Liability of the Administrative agents in case of lack of liability with these decisions	December 2001
100§5 sect. b	M. of Justice	Procedure which should be followed by the plenary of the Supreme Courts, for the settlement of issues arising due to the existence of Laws which lack compliance with the Constitution	October 2001
100A	M. of Finance, as well as, M. of Justice	Formation and functioning of the Law Advisory Council of State	December 2001
101A§2	M. of Internal Affairs, Public Administration and Decentralization	Act of Law for the selection and appointment of the persons which are going to staff the Independent Administrative Authorities	March 2002

102	M. of Internal Affairs, Public Administration and Decentralization	Issues concerning the Local Authorities	The Law Act for «the Outdoor Advertisement, Confederacy of Municipalities and Communities» covers partially these issues. Other subjects will be faced by the Charter of the Local Authorities - December 2001
103§7 sect. a	M. of Internal Affairs, Public Administration and Decentralization	Organisation of the procedures for the employment of personnel under the supervision of the ASEP ²	March 2002
103§7 sect. b	M. of Internal Affairs, Public Administration and Decentralization	Organisation of the procedures for the selection of the personnel of Specialised Positions in Public Sector	June 2002
103§8	M. of Internal Affairs, Public Administration and Decentralization	Regulation concerning issues about the Private Law Industrial Relations in the Public Administration, as well as the duties of the employees	December 2002
108§2	M. of Foreign Affairs	Organisation, implementation, functioning and Jurisdiction of the Council for the Greeks Abroad	December 2001
109§3	M. of Finance, as well as, M. of Justice	Code for the National Legacies	December 2001

According to the above-mentioned data, those that are interested for Academic epilogues, should be contained to the ascertainment, the implementation of all the provisions of the (new) Constitution is a matter of political choice. The Greeks had invented the famous saying «more haste» as well as the saying. «Thing sluggish, act rapidly as far as it concerns the necessary to be done». It is not easy to predict which of those wisdom ancient Greek thoughts will be chosen during the next period. Though it is relatively easy to remind that «Three are the main among the Sovereigns that we ought to remember: That the one who Sovereigns is a human being, that he sovereigns according to the rule of Law, that he will not sovereign for ever...» (Agathon).