

MAY 2026

# THIS IS ~~NOT~~ THE TIME TO COMMENT ON LEGALITY

THE STATE OF THE RULE OF LAW IN GREECE

JOINT REPORT  
**ADDENDUM II**



HIAS GREECE · REFUGEE SUPPORT AEGEAN (RSA) · VOULIWATCH ·

GREEK COUNCIL FOR REFUGEES (GCR) · HELLENIC LEAGUE FOR HUMAN RIGHTS · HOMO DIGITALIS · REPORTERS UNITED · SOLOMON

## Cross-cutting rule of law issues in Greece

Significant legal, judicial and political developments directly relevant to the state of the rule of law in Greece have unfolded since our January 2026 contribution to the European Commission and February 2026 addendum thereto. This second addendum to our report provides an overview of those developments, to be read in conjunction with our previous contributions to the Rule of Law Report.

### Assessment of the rule of law & use of the Commission's report

1. The concerns and critiques raised [In Lieu of Epilogue](#) in our report have been further exacerbated in the last months. We worryingly note that the public statements made by the European Commissioner for Democracy, Justice, the Rule of Law and Consumer Protection upon his 12 May 2026 mission to Greece do not appear to make any reference to the deficiencies consistently brought to the Commission's attention and identified in the context of the Rule of Law Report, and to the need for remedial measures on the part of the Greek government. The Commissioner stated: "... can I acknowledge the excellent cooperation that we do have on rule of law, and can I acknowledge the important progress that you have made in recent years. I think without question the reforms that have been introduced and the rule of law environment here in Greece has helped you to develop and grow the economy..."<sup>1</sup>
2. These statements come at a critical time of persisting, divisive rule of law breaches and direct contestation of institutions including the European Public Prosecutor's Office (EPPO) by the Greek government, as discussed below. They regrettably reinforce our ongoing concern as to the Commission's readiness and ability to perform a thorough and independent assessment of the rule of law situation in Greece.
3. Meanwhile, the Greek government has continued to make repeated references to the Commission's Rule of Law Report as proof that the state of the rule of law is improving in Greece. During a debate on the rule of law, held on 16 April 2026 in the Hellenic Parliament at the behest of opposition party PASOK, the Prime Minister stated: "I have here the rule of law report of the European Commission... if there is one text that is accepted across Europe as the reference point on the state of the rule of law in all member countries of the European Union, it is this text. I believe you have read it. And I imagine you find, having read this text, that Greece has marked particularly important progress in rule of law matters in the last years. We are a Government that complies with the requests of the European Commission and we try to correct our chronic imperfections year by year... Why is everything you say not confirmed in the least in any reputable international account of the state of the rule of law in the country? Why does the European Commission not say any of the things you are saying? Who should the Greek citizens believe? You? The European Commission?"<sup>2</sup>

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<sup>1</sup> Prime Minister, 'Prime Minister Kyriakos Mitsotakis' meeting with the European Commissioner for Democracy, Justice, the Rule of Law, and Consumer Protection Michael McGrath', 12 May 2026, [URL](#).

<sup>2</sup> Hellenic Parliament, Plenary Debate PZ', 16 April 2026, [URL](#).

4. These statements illustrate yet again the concerns we have conveyed to the Commission as regards the government's use of the Rule of Law Report to support a domestic narrative of improvement and to disregard pervasive deficiencies.

## “Greek Watergate” surveillance scandal

5. **Refusal to reopen investigation into EYP use of Predator spyware:** The first addendum to our report noted that the Single-Judge Misdemeanour Court of Athens (*Μονομελής Πλημμελειοδικείο Αθηνών*) convicted on 26 February 2026 the four private individuals accused of the use of Predator spyware against a broad range of targets, analysed in detail as a **Cross-Cutting Rule of Law Issue** in our report and in previous reports. The Court transmitted its ruling to the prosecution service and requested examination of potential responsibility, including for the offence of espionage, of the four convicted defendants and of additional individuals. The ruling highlighted new evidence arising from the proceedings, including but not limited to: (i) an admission by Krikel representative, Mr Stamatis Tribalis, during his deposition that he gave a false testimony before the inquiry committee (*εξεταστική επιτροπή*) of the Hellenic Parliament in 2022 after having previously been given the list of the questions asked therein; (ii) evidence of the presence of an Intellexa vehicle inside the restricted premises of the National Intelligence Service (*Εθνική Υπηρεσία Πληροφοριών*, EYP) in Agia Paraskevi; (iii) an admission by the holder of the bank card used for the payment of text messages sent to Predator targets, Mr Emiliou Kosmidis, that he had received said pre-paid card by an acquaintance employed at a telecommunications company who had admitted providing assistance to EYP.<sup>3</sup> For his part, the founder of Intellexa, convicted by the aforementioned ruling, has reiterated that the company offers services only to governments and law enforcement authorities.<sup>4</sup>
6. On 27 April 2026, the Supreme Court Prosecutor, Mr Konstantinos Tzavellas, decided not to reopen the criminal investigation into the “Greek Watergate” surveillance scandal, despite being previously notified of the impending lodging of six additional criminal complaints by victims of Predator spyware.<sup>5</sup> According to media reports, the Supreme Court Prosecutor held that no new elements had arisen that would warrant reopening of the criminal investigation.<sup>6</sup> Sharp criticism against the refusal to reopen the investigation into the scandal in light of the evidence emerging in the Misdemeanour Court of Athens trial has been levelled by bar associations, among other stakeholders.<sup>7</sup>
7. On 7 May 2026, former Minister Mr Christos Spirtzis filed a request for reopening of the criminal investigation (*αίτηση ανάσυρσης από το αρχείο*) and a request for exemption of Mr Tzavellas from

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<sup>3</sup> Kathimerini, ‘Υποκλοπές: Καθαρογράφηκε η απόφαση – Ανοίγει ο δρόμος για τις έρευνες’, 24 March 2026, [URL](#); in.gr, ‘Στοιχεία για Κοινό Κέντρο ΕΥΠ – Predator και ενδείξεις για κατασκοπεία στη δικαστική απόφαση για τις υποκλοπές’, 24 March 2026, [URL](#).

<sup>4</sup> in.gr, ‘Ο Ντίλιαν δίνει την κυβέρνηση για το σκάνδαλο υποκλοπών: Παρέχουμε τεχνολογία μόνο σε κυβερνήσεις και αρχές επιβολής του νόμου’, 13 March 2026, [URL](#).

<sup>5</sup> Inside Story, ‘Ο Άρειος Πάγος γυρνάει την πλάτη στη Δικαιοσύνη’, 28 April 2026, [URL](#).

<sup>6</sup> Kathimerini, ‘Άρειος Πάγος: Δεν ανασύρεται από το αρχείο η υπόθεση των υποκλοπών’, 27 April 2026, [URL](#).

<sup>7</sup> Bar Association of Athens, ‘Συνέντευξη Τύπου στον ΔΣΑ για τηλεφωνικές υποκλοπές’, 5 May 2026, [URL](#); Bar Association of Thessaloniki, ‘Απόφαση Δ.Σ.Θ. για υποκλοπές’, 8 May 2026, [URL](#).

the adjudication of the case on grounds of partiality (*αίτηση εξαιρέσεως*).<sup>8</sup> Reports recall that Mr Tzavellas had notably served as an EYP supervisory prosecutor during the period in question and had approved several surveillance orders, including that of Mr Thanassis Koukakis.<sup>9</sup>

8. On 20 May 2026, the Special Permanent Committee on Institutions and Transparency (*Ειδική Μόνιμη Επιτροπή Θεσμών και Διαφάνειας*) of the Hellenic Parliament held a hearing of the Supreme Court Prosecutor, Mr Konstantinos Tzavellas, and the Head of EYP, Mr Themistoklis Demiris. The Supreme Court Prosecutor refused to attend the hearing, stating that appearing before the parliamentary committee would breach the principle of separation of powers.<sup>10</sup>
9. The above developments corroborate our longstanding concerns as to the lack of **Independence & Effectiveness of the Prosecution Service**, through serious gaps in the impartiality and thoroughness of the investigations performed by the Supreme Court Prosecutor into the “Greek Watergate” surveillance scandal.
10. **EYP non-compliance with wiretapping framework:** Significant developments in the “Greek Watergate” surveillance scandal have emerged beyond the use of Predator spyware. On 18 May 2026, the Plenary of the Council of State delivered its judgment on a judicial review application brought by journalist Mr Thanassis Koukakis in relation to his surveillance by EYP on alleged national security grounds. The Council of State noted that “EYP has repeatedly refused to inform ADAE of the reasons for lifting the applicant’s privacy of communications” through “contradictory statements as to the retention of the relevant information and constant reference to their confidential nature”, concluding that the **Hellenic Authority for Communication Security and Privacy** (*Αρχή Διασφάλισης του Απορρήτου των Επικοινωνιών*, ADAE) is unable to exercise its powers and mandate as a result. By the aforementioned provisional judgment, the Council of State has ordered EYP to transmit the file of the applicant’s surveillance within three months, and to reconstruct the file in case it has been destroyed.<sup>11</sup>
11. As stated above, on 20 May 2026, the Supreme Court Prosecutor refused to appear before the Special Permanent Committee on Institutions and Transparency of the Hellenic Parliament for a hearing on the “Greek Watergate” surveillance scandal. For his part, the Head of EYP attended the hearing and stated *inter alia* that (i) requests to EYP for surveillance are often made orally and not in writing, (ii) the case file concerning the wiretapping of the head of opposition party PASOK, MP Nikolaos Androulakis, only contains the wiretapping order (*διάταξη*) and not the grounds on which national security considerations were invoked.<sup>12</sup>
12. We recall that EYP has yet to comply with the April 2024 ruling of the Plenary of the Council of State requiring it to inform Mr Androulakis of the specific reasons for his surveillance,<sup>13</sup> in a striking

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<sup>8</sup> Nomiki Bibliothiki, ‘Υποκλοπές – Predator: Δύο αιτήσεις Σπίρτζη στον Άρειο Πάγο για ανάσυρση της δικογραφίας και εξαιρέση Τζαβέλλα’, 7 May 2026, [URL](#).

<sup>9</sup> Efsyn, ‘Ψεκάστε, συγκαλύψτε, τελειώσατε’, 23 September 2022, [URL](#).

<sup>10</sup> Kathimerini, ‘Υποκλοπές: Επιστολή Τζαβέλλα στην Επιτροπή Θεσμών και Διαφάνειας – Γιατί αρνήθηκε να προσέλθει’, 20 May 2026, [URL](#).

<sup>11</sup> Council of State, Decision 709/2026, 18 May 2026, [URL](#).

<sup>12</sup> in.gr, ‘Υποκλοπές: «Στρίμωξε» τον Δεμίρη ο Ανδρουλάκης – «Σταματήστε να περιφρονείτε τη νοημοσύνη μας» – Όλος ο διάλογος’, 20 May 2026, [URL](#).

<sup>13</sup> Council of State, Decision 465/2024, 5 April 2024.

illustration of the executive's persistent failure to ensure **Implementation of Judgments**.<sup>14</sup> The European Commission has paid explicit regard to the April 2024 judgment in previous Rule of Law Reports and should make concrete recommendations to the Greek government for its implementation.<sup>15</sup> The May 2026 ruling of the Council of State further reinforces the need for EYP to comply with the legal framework on wiretapping.

13. **Refusal to establish a parliamentary inquiry committee into EYP links to Predator spyware:** On 22 May 2026, the Hellenic Parliament examined a request from opposition party PASOK for the establishment of an inquiry committee pursuant to Article 68(2) of the Constitution to assess linkages between EYP and the use of Predator spyware.<sup>16</sup> The constitutional provision in question permits the establishment of inquiry committees by a  $2/5$  majority, with the exception of inquiry committees on foreign policy and defence matters which require an absolute majority. The ruling party submitted that the matter at hand fell within that exception and thereby required an absolute majority in Parliament. The ruling party voted against the establishment of an inquiry committee and the request was thereby denied. In 2022, the Hellenic Parliament had approved the establishment of an inquiry committee on the activities of EYP and potential linkages to Predator spyware use by  $2/5$  majority, with no exception on foreign policy or defence grounds being invoked.<sup>17</sup>
14. **EYP staffing reform:** On 18 May 2026, the Ministry of Digital Governance tabled a bill to Parliament on the implementation of Implementing Regulation 2022/1463.<sup>18</sup> The bill contains a heading titled "other provisions" (λοιπές διατάξεις) that includes the addition of a new Article 16A to L 3649/2008 on EYP. The provision in question permits permanent placement in EYP of civilian staff of the public sector seconded to EYP, "by derogation from every general or specific provision".<sup>19</sup> The bill comes as another illustration of persisting deficiencies in the transparency and quality of the **Legislative Process**.

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<sup>14</sup> Note also To Vima, 'Η απόφαση του ΣτΕ και οι υποκλοπές', 27 May 2026, [URL](#); ECtHR, *Androulakis v. Greece*, App No 20986/24, Communicated 18 December 2025, [URL](#).

<sup>15</sup> European Commission, *2024 Rule of Law Report Country Chapter Greece*, SWD(2024) 808, 24 July 2024, 29.

<sup>16</sup> Hellenic Parliament, Plenary Debate PKH', 22 May 2026, [URL](#).

<sup>17</sup> in.gr, 'Εξεταστική υποκλοπών: Ο Τασούλας του 2022 «αδειάζει» το Μαξίμου του 2026', 26 May 2026, [URL](#).

<sup>18</sup> Commission Implementing Regulation (EU) 2022/1463 of 5 August 2022 setting out technical and operational specifications of the technical system for the cross-border automated exchange of evidence and application of the 'once-only' principle in accordance with Regulation (EU) 2018/1724 of the European Parliament and of the Council [2022] OJ L 231/1.

<sup>19</sup> Dnews, 'Στήνουν «ΠαραΕΥΠ» Μητσοτάκη μέσα στην ΕΥΠ με μονιμοποιήσεις αποσπασμένων για έλεγχο της επόμενης μέρας', 25 May 2026, [URL](#).

## Justice

### Independence & effectiveness of the prosecution service

15. **Appeal granted against closure of investigation into 2023 fatal Coast Guard incident in Chios:** In the first addendum to our report, we reported that the Naval Court Prosecutor (*Εισαγγελία Ναυτοδικείου Πειραιά*) decided in November 2025 to dismiss a criminal complaint concerning a 20 October 2023 incident involving a Hellenic Coast Guard vessel ramming into a boat carrying asylum seekers off the coast of Chios, causing the death of a Syrian asylum seeker and serious injury of at least five others. An appeal lodged in January 2026 against this decision was granted in May 2026 by the Reviewing Court Prosecutor (*Εισαγγελία Αναθεωρητικού Δικαστηρίου*). The Reviewing Court Prosecutor has instructed the Naval Court Prosecutor to initiate prosecution against the captain of the Coast Guard vessel for reckless manslaughter, grievous bodily harm and multiple counts of dangerous bodily harm, after establishing “specific indications” and “reasonable suspicion” that the Coast Guard vessel rammed the boat carrying asylum seekers.<sup>20</sup>
16. **Persisting absence of effective investigations into push backs:** The Greek government and Greek judicial authorities continue to demonstrate flagrant unwillingness to initiate a criminal investigation into latest media reports documenting new incidents of **Enforced Disappearance of People Seeking Asylum** in the Evros region. These include allegations of forced recruitment of migrants for push back operations,<sup>21</sup> corroborated in some instances by Serious Incident Reports (SIR) of the Fundamental Rights Office of Frontex.<sup>22</sup> As far as we are aware, no criminal investigation has been initiated by the prosecution service, nor has the Hellenic Police initiated disciplinary proceedings.<sup>23</sup> For his part, the Prime Minister has stated being “totally unaware” of these allegations,<sup>24</sup> while the Minister of Migration and Asylum has claimed that “BBC essentially adopts the allegations made by illegal migrant smugglers”.<sup>25</sup> The Commission has stated that “It is the responsibility of member states to investigate any allegations by establishing the facts”.<sup>26</sup>
17. As for other instances of **Police Violence**, our report noted that the Public Prosecutor of Athens shelved in January 2026 the criminal investigation into the death of Mohammad Kamran inside a police station following eight days of detention with visible signs of physical abuse. On 26 May 2026, the Ombudsman completed an own-initiative investigation into the incident, finding “clear indications of disciplinary responsibility for police officers on duty” who failed to safeguard the victim’s physical integrity and dignity and left him helpless in the police station, leading to his

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<sup>20</sup> GCR, ‘Order to initiate criminal prosecution for homicide with eventual intent against the commander of a Hellenic Coast Guard vessel’, 20 May 2026, [URL](#).

<sup>21</sup> BBC, ‘Greek police using masked migrants to forcibly push other migrants back across border’, 14 April 2026, [URL](#). See also Solomon, ‘100 days: The refugees forced to push back other migrants at Europe’s border’, 21 May 2026, [URL](#).

<sup>22</sup> GCR, ‘News from the field - March 2026’, [URL](#).

<sup>23</sup> Ministry of Citizen Protection, Reply to parliamentary question, 7017/4/28169-ε’, 6 May 2026, [URL](#).

<sup>24</sup> BBC, ‘Greek police using masked migrants to forcibly push other migrants back across border’, 14 April 2026.

<sup>25</sup> Παραπολιτικά, ‘Πλεύρης: Αιχμές κατά του BBC για τη στάση του στο μεταναστευτικό - “Υποστηρίζει τα επιχειρήματα των διακινητών”’, 16 April 2026, [URL](#).

<sup>26</sup> EU Observer, ‘Years of evidence and still no admission from EU Commission on Greek pushbacks’, 16 April 2026, [URL](#).

death. As regards the physical injuries visible on the victim's body, the Ombudsman found "well-founded indications that part of those were inflicted during his detention in prior police stations". Criticism was also expressed as regards the absence of video footage inside the police stations and several deficiencies throughout the victim's eight-day detention therein.<sup>27</sup>

18. These developments further support our persisting concerns around the lack of effective accountability mechanisms into wrongdoing by law enforcement agents. These have also been recently stressed by the Council of Europe Committee of Ministers in the context of its supervision of **Implementation of Judgments** of the European Court of Human Rights (ECtHR) against Greece. In its 11 March 2026 decision on the execution of the *Sidiropoulos & Papakostas v. Greece* and *Alkhatib v. Greece* groups of cases, relating *inter alia* to ineffective criminal investigations into ill-treatment and fatal operations of the Hellenic Police and Hellenic Coast Guard, the Committee of Ministers:<sup>28</sup>

- ❖ Stressed in particular that "... lack of thoroughness of criminal investigations into allegations of ill-treatment has been identified by the Court as a cross-cutting issue in several judgments pending before the Committee of Ministers, expressed their regret about the lack of progress in the conduct of targeted wide scale training activities for prosecutors and judges, which remain necessary; urged the authorities to explore all possible avenues of further action to ensure that criminal investigations are sufficiently thorough and conducted in a fully Convention-compliant manner..."
- ❖ "... stressed as set out above the need for full engagement by the authorities in a large-scale training and awareness-raising programme for prosecutors and judges, which in the context of this group should in particular include naval courts and prosecutors, given their specific competence; invited the authorities to submit their evaluation of the measures required in response to the Court's specific findings in *Almukhlas* and *Al-Maliki* concerning the lack of independence of investigations."

19. Addressing the deficiencies identified by ECtHR case law requires tangible reforms in the criminal justice system and in the workings of the prosecution service, as highlighted in our report and constantly stressed in our recommendations to the Commission. For its part, the Greek government has repeatedly responded<sup>29</sup> to those concerns with references to the upcoming establishment of an independent monitoring mechanism for screening and asylum border procedures pursuant to the Screening Regulation and Asylum Procedures Regulation.<sup>30</sup> Article 39 L 5303/2026<sup>31</sup> designated the **National Transparency Authority** (Εθνική Αρχή Διαφάνειας, NTA) as the

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<sup>27</sup> Ombudsman, 'Πόρισμα για τον θάνατο πολίτη Πακιστάν σε αστυνομικό τμήμα της Αθήνας', 26 May 2026, [URL](#).

<sup>28</sup> Council of Europe Committee of Ministers, CM/Del/Dec(2026)1553/H46-19, 11 March 2026, [URL](#).

<sup>29</sup> For instance, Greek Government, *Communication in Safi v. Greece*, DH-DD(2026)655, 11 May 2026, para 22, [URL](#); *Action Report in Sidiropoulos & Papakostas v. Greece*, DH-DD(2025)1506, 17 December 2025, 28, [URL](#); DH-DD(2025)491, 24 April 2025, 14, [URL](#).

<sup>30</sup> Article 10 Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders [2024] OJ L 22.5.2024; Article 43(4) Regulation (EU) 2024/1348 of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union [2024] OJ L 22.5.2024.

<sup>31</sup> Gov. Gazette A' 81/22.05.2026.

independent mechanism for monitoring of the implementation of the above Regulations. This provision, introduced into an unrelated Ministry of Justice bill on succession (*κληρονομικό δικαίο*) without being put to public consultation, yet again confirms our longstanding concerns on the **Legislative Process**. In addition, the NTA does not comply with the minimum independence safeguards required by Article 10(2) of the Screening Regulation.<sup>32</sup>

## Appointment & selection of judges, prosecutors and court presidents

20. **Interference with and targeting of EPPO:** In the context of the “OPEKEPE scandal” of misuse of EU agriculture funds, Members of the Cabinet have targeted EPPO by stating *inter alia* that EPPO is not a “serious institution”,<sup>33</sup> while the Prime Minister has called on it to “demonstrate in practice its neutrality and the manner in which it should exercise its duties”.<sup>34</sup>
21. On 19 May 2026, the Hellenic Parliament adopted L 5303/2026 on succession. Article 40 of the law is a **Late & Irrelevant Amendment** tabled by the Ministry of Justice which amends the Criminal Procedure Code by introducing special rules and deadlines for the investigation into criminal offences committed by MPs.<sup>35</sup> The provision was adopted despite prior concerns conveyed by EPPO to the Greek government.<sup>36</sup>
22. On 22 May 2026, EPPO submitted a letter to the European Commission pursuant to Recital 16 of the Rule of Law Conditionality Regulation<sup>37</sup> in relation to the aforementioned provisions and to the refusal of the Supreme Judicial Council to approve the five-year renewal of the mandate of European Delegated Prosecutors, as decided by EPPO.<sup>38</sup>

## Media freedom and pluralism

23. **SLAPPs:** Greece has yet to transpose the Anti-SLAPP Directive,<sup>39</sup> while journalists continue to face intimidation and targeting related to their work. On 21 May 2026, the Court of Athens (*Πρωτοδικείο*

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<sup>32</sup> Ombudsman, *Παρατηρήσεις | Άρθρο 39 - Σχέδιο νόμου «Αναμόρφωση του κληρονομικού δικαίου και άλλες διατάξεις»*, 13 May 2026, [URL](#); Greek National Commission for Human Rights, ‘Η ΕΕΔΑ στην Κοινοβουλευτική Επιτροπή για το σχέδιο νόμου του Υπουργείου Δικαιοσύνης’, 14 May 2026, [URL](#); ΟΚΕ, *Γνώμη για το Σχέδιο Νόμου «Εφαρμογή του Συμφώνου για τη Μετανάστευση και το Άσυλο και λοιπές διατάξεις του Υπουργείου Μετανάστευσης και Ασύλου»*, 25 May 2026, 43, [URL](#).

<sup>33</sup> *in.gr*, ‘Νέα ανοικία επίθεση Γεωργιάδη με ψέματα κατά της Ευρωπαϊκής Εισαγγελίας – «Εκβιάζει για ανανέωση της θητείας της», «Δεν είναι κανένας σοβαρός θεσμός»’, 16 April 2026, [URL](#).

<sup>34</sup> Hellenic Parliament, Plenary Debate PZ’, 16 April 2026.

<sup>35</sup> Article 32A Criminal Procedure Code, L 4620/2019, Gov. Gazette A’ 96/11.06.2019, inserted by Article 40 L 5303/2026.

<sup>36</sup> Kathimerini, ‘Κοβέσι: Στη δημοσιότητα οι δύο επιστολές της EPPO στον Φλωρίδη’, 20 May 2026, [URL](#).

<sup>37</sup> Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget [2020] OJ L1 433/1.

<sup>38</sup> EPPO, ‘Statement regarding recent developments affecting the effective and independent functioning of the EPPO in Greece’, 22 May 2026, [URL](#).

<sup>39</sup> Directive (EU) 2024/1069 of the European Parliament and of the Council of 11 April 2024 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings (‘Strategic lawsuits against public participation’) [2024] OJ L 16.4.2024. Note also ESIEA,

Αθηνών) heard a 100,000 € lawsuit against journalists in MIIR and Efysn involved in a cross-border investigation into Air Mediterranean, an Athens-based airline.<sup>40</sup>

## Checks & Balances

### Legislative process

24. **Public consultations:** As mentioned in our report, we have observed that **Public Consultations** on certain bills were launched without an accompanying regulatory impact analysis (ανάλυση συνεπειών ρύθμισης) and/or remained without such an analysis for most or all of the consultation period. This practice appears to be continuing through 2026 and can no longer be considered an isolated phenomenon.<sup>41</sup> Failure to meaningfully engage with input in public consultations has also been echoed by the Council of Europe Conference of INGOs in its latest report on Greece.<sup>42</sup>
25. **Late & irrelevant amendments:** At the aforementioned Hellenic Parliament debate of 16 April 2026 on the state of the rule of law, the Prime Minister erroneously stated that the phenomenon of late amendments has ceased.<sup>43</sup> This was contested by the opposition with reference to research findings, concurrent with the findings we consistently report to the Commission every year. This demonstrates again the persisting need for clear recommendations to the Greek government on the law-making process, as stressed in our report. **Late & Irrelevant Amendments** tabled by Ministers continue to be observed in crucial areas affecting the rule of law and workings of institutions. For example, Article 40 L 5303/2026, the provision cited in the aforementioned EPPO letter to the European Commission on **Interference with the Work of EPPO**, was tabled after 21:00 on the eve of the plenary vote on an unrelated bill on succession.<sup>44</sup>
26. We once again reiterate the need for clear and explicit identification of the shortcomings and deficiencies of the legislative process, as it appears that these issues are addressed by the Greek authorities only when explicitly identified in the Rule of Law Report.

### Enabling framework for civil society

27. **Registration requirements:** Our consistent concerns regarding the overlapping registration frameworks and the onerous requirements set in particular by the Ministry of Migration and Asylum have been echoed by the Council of Europe Conference of INGOs in its latest report on Greece. As regards the registration requirements for organisations working with refugees and migrants, the

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<sup>40</sup> 'Η ΕΣΗΕΑ καλεί για την ενσωμάτωση της anti-SLAPP Ευρωπαϊκής Οδηγίας στο εθνικό δίκαιο', 1 April 2026, [URL](#).

<sup>40</sup> Media Freedom Rapid Response, 'Greece: Abusive lawsuit against independent newsrooms should be dismissed', 13 May 2026, [URL](#).

<sup>41</sup> Note, for instance, ΟΚΕ, *Γνώμη για το Σχέδιο Νόμου «Εφαρμογή του Συμφώνου για τη Μετανάστευση και το Άσυλο και λοιπές διατάξεις του Υπουργείου Μετανάστευσης και Ασύλου»*, 25 May 2026, 8-9.

<sup>42</sup> Council of Europe Conference of INGOs, *Civil participation in the decision-making process: First fact finding visit to Greece 11-15 November 2025*, 17 April 2026, para 51, [URL](#).

<sup>43</sup> Hellenic Parliament, Plenary Debate PZ', 16 April 2026.

<sup>44</sup> Hellenic Parliament, *Amendment 495/39*, 18 May 2026, [URL](#).

Council of Europe Conference of INGOs noted that “considerable problems were instanced when it came to the registration of NGOs with the Ministry of Migration and Asylum” and pointed out that “there was no simplification in the amendments made subsequent to the visit following the adoption of Law 5275/2026.”<sup>45</sup> Crucially, the report added that “No explanations tend to be given when applications are rejected and this inevitably fuels a sense of arbitrary decision-making, which is undoubtedly reinforced by the hostile, official rhetoric concerning NGOs” and that “Overall, there is clearly a lack of trust in the NGOs despite them going through the registration process and the value of the services that they provide.”<sup>46</sup>

28. The Council of Europe Conference of INGOs concluded that “the assessment of the European Commission that there has been limited progress on the evaluation of the existing legal framework for the registration of NGOs is somewhat of an understatement. However, its recommendation that registration requirements for NGOs should be simplified in view of maintaining an open framework for them to operate remains pertinent.”<sup>47</sup>
29. The first addendum to our report noted the adoption of L 5275/2026 on amendments to the NGO Registry of the Ministry of Migration and Asylum,<sup>48</sup> as well as the Council of State decision to order a re-hearing of the February 2021 applications for judicial review heard in December 2022. Ahead of the re-hearing scheduled for 3 April 2026, the Ministry of Migration and Asylum requested a postponement, citing imminent publication of an already adopted new Joint Ministerial Decision further to the entry into force of L 5275/2026. The Council of State postponed the hearing to 5 June 2026. The new Joint Ministerial Decision (JMD) was only adopted on 8 May 2026 and published on 11 May 2026.<sup>49</sup> In light of this, the applicant organisations have requested postponement of the hearing.
30. Main elements of the new JMD on the NGO Registry include the following:
  - ❖ As regards the scope of registration obligations, the Ministry of Migration and Asylum shall register on the NGO Registry “all Greek and international voluntary organisations and civil society organisations that fulfil the minimum necessary conditions for participation in the implementation of activities on international protection, migration and social integration. Non-profit organisations, voluntary organisations and any corresponding organisation, Greek or international, that has not been registered in the Registry may not receive state or EU funding or operate in any manner whatsoever inside facilities of the Ministry of Migration and Asylum.”<sup>50</sup> Whereas the Ministry of Migration and Asylum has put forward that the scope of registration is limited to organisations seeking to receive state or EU funding or to operate within its facilities, the above wording suggests that exclusion from

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<sup>45</sup> Council of Europe Conference of INGOs, *Civil participation in the decision-making process: First fact finding visit to Greece 11-15 November 2025*, 17 April 2026, paras 38-39.

<sup>46</sup> *Ibid*, paras 40-41.

<sup>47</sup> *Ibid*, para 48.

<sup>48</sup> Article 78 L 4939/2022, Gov. Gazette A' 111/10.06.2022, as amended by Article 56 L 5275/2026, Gov. Gazette A' 17/06.02.2026.

<sup>49</sup> JMD 82876/2026, Gov. Gazette B' 2631/11.05.2026.

<sup>50</sup> Article 1(2)(a) JMD 82876/2026.

funding and access to Ministry facilities may only be one of many consequences of non-registration rather than the sole effect thereof.

- ❖ Civil society organisations remain required to register all of their members, staff and partners on the NGO Members Registry, irrespective of whether or not these individuals operate within Ministry of Migration and Asylum facilities.<sup>51</sup> The JMD states that “Registration of these persons in the Registry and their certification are a necessary condition both for their activity within the Greek territory and for their cooperation with public bodies.”<sup>52</sup> This wording appears to confirm that the consequences of non-registration extend beyond exclusion from Ministry facilities or access to state and EU funding, pointing instead to broader restrictions on the ability of individuals and organisations to operate in these sectors and to cooperate with public authorities.
- ❖ As regards registration requirements for civil society organisations, the JMD requires managers and/or legal representatives to submit a copy of their criminal record and a solemn declaration that no criminal prosecution has been launched against them for any felony and that no final conviction has been delivered against them for a series of misdemeanours, including slanderous defamation (*συκοφαντική δυσφήμιση*). This information must be updated annually, failing which the organisation may be removed from the NGO Registry.<sup>53</sup> We recall that L 5275/2026 has introduced membership of an organisation registered on the NGO Registry as an aggravating circumstance converting certain immigration offences into felonies. The same obligations apply to registration of individual members, staff and partners on the NGO Members Registry.<sup>54</sup>
- ❖ The JMD maintains the broad discretionary powers of the Secretary-General for Reception of Asylum Seekers within the Ministry of Migration and Asylum in relation to the registration of both organisations and individuals, “in conjunction with information concerning the activities of the entities” and “in conjunction with information concerning the personality and the previous activities of the natural persons” respectively.<sup>55</sup>
- ❖ As regards grounds for de-registration, “deficient project implementation” (*πλημμελής εκτέλεση έργου*) by the organisation or by an individual, as attested by a relevant document of a competent administrative authority, constitutes grounds for removal thereof from the NGO Registry or the NGO Members Registry respectively, regardless of whether or not the project is funded by state or EU funding or is implemented within or outside Ministry facilities.<sup>56</sup> In the event of removal of an individual from the NGO Members Registry due to “deficient project implementation”, a new application for registration may only be submitted after a period of two years.<sup>57</sup> As for organisations, the two-year ban

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<sup>51</sup> Article 5(1) JMD 82876/2026.

<sup>52</sup> Article 1(3) JMD 82876/2026.

<sup>53</sup> Articles 3(2)(k)-(l) and 5(2)(i)-(j) JMD 82876/2026.

<sup>54</sup> Articles 10(b)-(c) and 14(2) JMD 82876/2026.

<sup>55</sup> Articles 3(4)(c) and 11(2) JMD 82876/2026.

<sup>56</sup> Articles 5(4) and 14(3) JMD 82876/2026.

<sup>57</sup> Article 15(4) JMD 82876/2026.

applies to removal from the NGO Registry due to non-compliance with any of the obligations of registered organisations.<sup>58</sup>

- ❖ Concerns remain as regards compliance with the EU law framework on protection of personal data, namely the General Data Protection Regulation (GDPR).<sup>59</sup>
- ❖ Whereas the JMD requires the performance of a Data Protection Impact Assessment (DPIA) in the event of any substantial change in the operation or characteristics of the Registries,<sup>60</sup> we are not aware of any DPIA conducted prior to or since its publication.

31. **Criminalisation of human rights defenders:** On 16 March 2026 the founder of the Norwegian non-profit organisation Aegean Boat Report, Mr Tommy Olsen, was arrested following a European Arrest Warrant issued by the Kos Public Prosecutor.<sup>61</sup> His arrest and potential extradition to Greece are related to the criminal proceedings initiated in 2022 against the founder of the Greek Helsinki Monitor, Mr Panayote Dimitras, and successively for Tommy Olsen for forming a criminal organisation allegedly aimed at facilitating the irregular entry and stay of third-country nationals in Greece, discussed in the [Hostile Environment & Criminalisation](#) section of our report. These proceedings have been largely criticised as a direct attempt for lawful humanitarian action to be criminalised.<sup>62</sup> “I have known Tommy’s work with Aegean Boat Report for years, and fear the charges he faces have been brought in direct retaliation for his work defending the rights of migrants, refugees and asylum seekers. His prosecution appears to form part of the long-standing and well documented repression of people doing such work in Greece and at the EU’s borders”, stated the UN Special Rapporteur on Human Rights Defenders after his arrest.<sup>63</sup> The Special Rapporteur has also stressed the “strong risk” for legislation to “be used to target people promoting and defending human rights in the country”, especially after the enactment of the criminal provisions of L 5275/2026.<sup>64</sup>
32. On 15 May 2026, the Hålogaland Court of Appeal in Norway dismissed the European Arrest Warrant request to extradite Mr Tommy Olsen. The Court held that the activities forming the basis of the criminal charges against him in Greece are not unlawful under Norwegian law and that the charges raise risks of breach of freedom of expression.<sup>65</sup>
33. **Dialogue & participation in decision-making:** Article 17 JMD 82876/2026 sets out a provision on “structured dialogue with civil society actors” referring to at least two meetings per year based on

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<sup>58</sup> Articles 5 and 6(3) JMD 82876/2026.

<sup>59</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data [2016] OJ L 119/1.

<sup>60</sup> Article 18(6) JMD 82876/2026.

<sup>61</sup> ELDH, ‘Cease the prosecution against activist Tommy Olsen’, 26 March 2026, [URL](#).

<sup>62</sup> Amnesty International, ‘Norway: Release human rights defender Tommy Olsen and reject his extradition to Greece’, 18 March 2026, [URL](#).

<sup>63</sup> UN Special Rapporteur on human rights defenders, Facebook post, 19 March 2026, [URL](#).

<sup>64</sup> UN Special Rapporteur on human rights defenders, ‘Greece: analysis of the new law on migration and its impact on HRDs supporting migrants, refugees and asylum seekers (joint communication)’, 16 April 2026, [URL](#).

<sup>65</sup> Amnesty International, ‘Norway: Further Information: Human rights defender extradition halted: Tommy Olsen’, 22 May 2026, [URL](#).

a regular schedule. Further details on the implementation of the provision are delegated to the "competent service". In light of our earlier observations regarding the scope of registration obligations on individual members, staff and partners of civil society organisations, the scope of the aforementioned dialogue appears to be restricted to organisations and individuals registered on the Registries of the Ministry of Migration and Asylum.

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# CIVIL SOCIETY REPORT

## RULE OF LAW

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### ADDENDUM II

MAY 2026

