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National Intelligence Service and other provisions

**THE PRESIDENT
OF THE HELLENIC REPUBLIC**

We issue the following law passed by Parliament:

Article 1

Character – Classification

The National Intelligence Service (EYP-NIS) shall be an autonomous public civilian service and shall come under the authority of the Minister of Interior, who shall be competent to determine the activity of the NIS in the context of national priorities of the government policy, subject to article 5 (3) of Law 2292/1995.

Article 2

Mission

1. The mission of the NIS, in the context of the Constitution and the laws, shall be to seek, collect, process and notify to competent authorities information about:

a. Protecting and promoting the country's political, economic, military and overall national strategic interests.

b. Preventing and dealing with activities constituting threats against the democratic regime, the fundamental human rights, the territorial integrity and the national security of the Greek State, as well as the country's national wealth.

c. Preventing and dealing with activities of terrorist organizations and other organized crime groups.

2. At times of war, mobilization or direct threat to national security, the NIS shall come under the Chief of the National Defense General Staff who, via the NIS Director General, shall have full control on any matters relating to the NIS' contribution to the country's defense and security. In the event of any action aiming at violently abolishing the democratic regime, the NIS shall, by a resolution of the Government Council for Foreign Affairs and Defense (KYSEA), operate as central service for the management of the country's intelligence.

Article 3

Composition – Structure

1. The NIS shall consist of the Central Service and the Regional Units.

2. The Central Service shall comprise Directorates, Subdirectorates, Sections, Autonomous Sections and Autonomous Offices, defined in the NIS Regulations, pursuant to article 11 hereof.

3. Regional Units shall comprise services, bodies and liaisons established or placed in various areas of Greece or abroad and shall perform their duties within a determined region.

4. The NIS shall comprise:

a. A Legal Counselor Office of the Legal Council of the State.

b. A Historic Archives Service, which shall come directly under the NIS Director General, whose main task shall be to class and develop documents and audiovisual material. Such documents and audiovisual material shall be declassified after 50 years by resolution of the NIS Director General, after consulting with the Three-member Declassification Committee, which shall be constituted by resolution of the Director General and shall consist of NIS officers. Documents and materials at the stage of computerization, those that have been worn out and need to be preserved and those whose publication may harm national interests or privacy rights shall not be declassified.

Article 4

Competences

To carry out its mission, the NIS shall have the following powers:

1. To collect and provide information and data, make evaluations and submit recommendations to the Minister of Interior and other competent Ministers about the prevention or aversion of threats towards national security or the democratic regime, as well as the protection of the country's national interests.

2. To seek, collect, process and provide intelligence, in the context of the preceding paragraph, mainly about matters relating to the activities of terrorist organizations or other organized crime groups in the fields of trafficking of human beings, human organs, weapons, drugs or other prohibited substances, mainly nuclear, radiobiological and chemical substances (NRBC), as well as about matters relating to money laundering.

3. To coordinate, in the context of KYSEA decisions, the activities of the country's intelligence and security services in the field of collection and dissemination of information relating to its mission. Also, to cooperate with and inform the Military Intelligence Directorate (DDSP) and the intelligence services of the Staffs supervised thereby on matters of their competence.

4. To prevent and handle espionage activities against the country.

5. To provide the State's competent crisis management bodies with necessary information to assist them in their mission.

6. To provide competent bodies of the Ministry of National Defense with information support within the boundaries of its authority, necessary for the operational planning of the National Defense General Staff.

7. To serve as Information Security Technical Authority (INFOSEC) and procure, pursuant to the provisions of article 2 (4) of presidential decree 325/2003 (Government Gazette 273 A'), the security of national communications and information technology systems, as well as the certification of classified national communications material. The certification shall be given against the payment of a fee, the level of which shall be determined by joint resolution of the Ministers of Interior and Economy & Finance.

8. To be designated as National Authority against Electronic Attacks, competent for preventing and statically and actively dealing with electronic attacks against communication networks, information storage

facilities and computer systems, pursuant to the provisions of article 2 (3) of presidential decree 325/2003.

9. To cooperate with relevant Services of other countries and international organizations for the more effective performance of its duties.

10. To prepare, on the basis of available intelligence, information bulletins, studies and reports, which shall be forwarded to the competent authorities.

Article 5

Supervision – Method of exercise of powers

1. When exercising the powers of the NIS, its personnel:

a. Shall be obliged, when collecting and processing private information, to comply with the provisions of Law 2472/1997 (Government Gazette 50 A'), as currently in force, Law 3471/2006 (Government Gazette 133 A') and Law 3115/2003 (Government Gazette 47 A') and the enforcing provisions of the latter.

b. Shall lift, by order of the public prosecutor stated in paragraph 3 hereof and in compliance with the provisions of Law 3115/2003, the secrecy of letters and telephone or other communication and record the activities of persons using special technical media, especially audiovisual devices, outside residences.

The said order shall be submitted for approval within twenty-four hours to the competent Public Prosecutor for the Court of Appeal. The order shall enter into force when approved by the Public Prosecutor for the Court of Appeal.

c. May collect information, in compliance with the provisions of Law 3113/2003, as currently in force, on matters of national security by infiltration, following an order of the NIS Director General and with the approval of the supervising public prosecutor.

d. May act under cover of identity, capacity or operation, individually or collectively, as specified in its bylaws.

2. Authorized NIS personnel may, if deemed necessary and at the request of the competent authority, take part in controls prescribed by article 5 of Law 3386/2005 (Government Gazette 212 A') and shall express an opinion

about whether a foreign citizen is dangerous to national security and whether he/she meet the requirements to be characterized as persona non grata pursuant to article 82 of the said Law.

3. A public prosecutor shall be posted to the NIS by decision of the Supreme Judicial Council for a period of up to three years. Such official shall check the legality of special operational actions of the NIS relating to human rights and shall have any other powers assigned thereto by the provisions hereof.

4. The NIS personnel shall be trained in the use of weapons and special devices and machines. The provisions of Law 3169/2003 (Government Gazette 189 A') shall apply accordingly to the possession and carrying of weapons. The NIS has personnel that carry weapons for its own protection and the protection of its facilities.

Article 6

Obligations of Authorities – Services

1. State services and legal entities in public law, state enterprises, legal entities in private law controlled or supervised by the State, legal entities of the broader public sector, as well as the first- and second-instance local authorities and their enterprises shall be obliged to provide authorized NIS officers with any information or assistance required to perform their duties.

The said bodies and the NIS personnel shall be obliged to observe the secrecy of communications and of the contents of the request, as well as of the identity of the personnel that undertook the case.

2. Any refusal, delay or neglect, any incomplete and untimely response to the request for official assistance, as well as any violation of the obligation to observe the secrecy, as prescribed in the second sentence of paragraph 1, shall constitute special disciplinary offences, punishable pursuant to the Civil Servants Code or the corresponding provisions about the non-civil personnel of the relevant bodies.

Article 7

Intelligence Management Coordinating Council

1. An Intelligence Management Coordinating Council shall be established, consisting of the Ministers of:

- a. Interior,
- b. Economy and Finance,
- c. Foreign Affairs,
- d. National Defense and
- e. Mercantile Marine, the Aegean and Island Policy.

2. Other Ministers, Deputy Ministers, officials and experts may be invited to participate to the Intelligence Management Coordinating Council, when information concern matters of their competence, as well as special experts.

3. The said Council shall carry out intelligence management assessments in cases of serious criminal acts, threats or incidents that prejudice or may affect the country's security or its international and bilateral relations with other countries, and shall provide guidelines to other competent Ministries and involved parties, subject to articles 3 (1), 5 (3), 8 (4) and 11 (8) of Law 2292/1995. It shall also determine the communication tactics relating to the above matters.

4. The said Council shall be chaired by the Minister of Interior and the NIS shall provide its secretarial support.

Article 8

Intelligence Council

1. An Intelligence Council shall operate within the NIS, in which the following parties shall participate:

- a. The NIS Director General, as Chairman,
- b. The competent Secretaries General of the Ministries of Interior and Foreign Affairs,
- c. The Director of the Military Intelligence Directorate (DDSP),
- d. The Director of the State Security Directorate (DIKA) and the Head of the Directorate of Special Crimes of Violence (DAEEB) of the Hellenic Police Headquarters,

e. The Head of the Security Directorate of the Ministry of Mercantile Marine, the Aegean and Island Policy.

The duties of secretary of the Board shall be performed by the Head of the Directorate which, pursuant to the NIS bylaws, is responsible for its secretarial support.

The Intelligence Council shall be set up by resolution of the Minister of Interior, published in the Government Gazette.

2. The Intelligence Council shall be empowered to:

a. Coordinate all intelligence and security services of the State in the field of information collection and dissemination.

b. Record exchanged information, data and views.

c. Determine and formulate new intelligence requirements, as called for in the modern international security environment.

d. Draw conclusions and formulate proposals to competent Ministers.

3. The Chairman and the members of the Intelligence Council, pursuant to items (c), (d) and (e) of paragraph 1, shall be substituted in case of absence or impediment by their lawful substitutes in their position.

4. Representatives of other state services or legal entities of the public sector and special experts may also be invited by the chairman to participate in the Intelligence Council and express their opinion, depending on the nature of the matters discussed.

5. The powers of the said Council shall be exercised in the context of the decisions of the KYSEA and the instructions of the Minister of Interior.

6. The Minister of Interior shall determine by resolution the specific procedure for the constitution and operation of the Council, the decision-making process and any other relevant matter.

Article 9

Director General – Deputy Directors General

1. The Director General shall be the head of the NIS.

2. The Director General shall be a revocable officer of the category of special positions, holding the 1st rank. He/she shall be freely appointed and dismissed by resolution of the Minister of Interior.

3. To be appointed as NIS Director General, he/she must hold at least a Greek or foreign University degree and must have administrative experience in the public or private sector. A civil servant or a servant of the public sector may also be appointed Director General.

4. The Director General shall be assisted in his/her duties by two Deputy Directors General. The Deputy Directors General shall be revocable officers of the category of special positions, holding the 2nd rank, and they shall be freely appointed and dismissed by resolution of the Minister of Interior. To be appointed Deputy Directors General, their qualifications must be similar to those of the Director General. Civil servants or servants of the public sector may also be appointed Deputy Directors General.

5. In the event that a civil servant or servant of a legal entity of the public sector, as delimited from time to time, is appointed Director General or Deputy Director General, the exercise of the duties of their main position shall be suspended and they shall return to such position ipso jure following their release from the duties of the said position.

6. The NIS Director General shall manage the Service, shall guide, coordinate, supervise and control its tasks and shall be liable towards the Minister of Interior for the performance of his/her duties.

7. The term of office of the Director General and the Deputy Directors General shall be considered as time spent in their organic position regarding all official consequences.

8. The Minister of Interior shall determine by resolution the powers and duties of the Director General and the Deputy Directors General and shall settle any matters of substitution thereof in case of absence or impediment.

Article 10

Categories of personnel

1. The NIS personnel shall consist of:
 - a. Permanent civilian personnel, to the engagement of which the special provisions of the NIS Regulations shall apply exclusively.
 - b. Special scientific and technical or auxiliary personnel under a fixed - or open-ended private - law employment contract.

c. Active officers and noncommissioned officers of the Armed Forces and the Coast Guard, officers of the Fire Service and Hellenic Police personnel.

2. The organic personnel positions of the NIS shall be determined in total in its Regulations and the composition of the personnel by branch and specialty shall be determined in the Bylaws and the personnel Composition and Distribution Table, which shall accompany the Bylaws.

Article 11

Regulations

1. A presidential decree, issued on recommendation of the Ministers of Interior and Economy & Finance, shall establish the NIS Regulations. These Regulations may, notwithstanding the applicable provisions:

a. Restructure, merge or abolish existing services and constitute new services,

b. Constitute, restructure or abolish branches and positions in any category, rank and speciality for permanent personnel or personnel under any employment relation and determine their distribution by branch and specialty, the necessary qualifications for appointment or engagement, the bodies and the procedure of appointment and placement, as well as any other relevant matter,

c. Determine the branch and title of the heads of the service units of the NIS, the method for filling such positions, the conditions, the required qualifications, the bodies and the procedure of appointment and placement of such persons, their powers and duties, their substitution, as well as any other relevant matter.

d. Determine the number, the branch, the rank and the specialty of the personnel of Armed Forces, Coast Guard and Security Services required to meet the official needs of the NIS, as well as the terms and conditions for their selection and stay in the Service, as well as their official status, on recommendation of the competent Ministers.

e. Determine the official relations between the civilian personnel and the personnel of the Armed Forces, Coast Guard and Security Services

and regulate matters of disciplinary law and sanctions imposed for violations of the obligations of the personnel, as provided for in the Bylaws.

2. The Minister of Interior may establish by resolution non-pecuniary incentives to ensure competent personnel for the NIS.

Article 12

Bylaws

The Minister of Interior shall approve by resolution the NIS Bylaws and the Composition and Distribution Table of its personnel to its various branches and services. Such Bylaws shall regulate the details of the organizational structure of the NIS services, their staff, their specific powers, the specific duties of the Director General, the Deputy Directors General and other managers and the specific obligations of the NIS personnel. They shall also determine the number of positions, bodies or liaisons, as well as matters of their operation and powers. Such Bylaws and the deeds establishing the collective bodies provided for thereby shall be confidential and shall not be published in the Government Gazette.

Article 13

Training of NIS personnel

1. For the purpose of performing their duties more effectively, the NIS personnel shall be educated, trained and specialized in the service's schools. The Ministers of Interior and Economy & Finance shall regulate by joint resolution the matters of establishment, operation and organization of such schools, the length of training, the implementation of teaching courses and any other relevant matter.

2. The Minister of Interior and other competent Ministers shall determine by joint resolution the conditions and the procedure of education or training of the NIS personnel in schools of the Armed Forces and Security Services or other public services or domestic or foreign bodies, the participation in programmes conducted by domestic or foreign bodies, as well as any other relevant matter.

Article 14

Duty of confidentiality

1. The NIS Director General and Deputy Directors General, as well as its personnel of any category, shall have a duty of confidentiality in relation to documents, information or other particulars of which they are made aware in the context of performance of their duties. The violation of the confidentiality duty shall constitute a disciplinary offence, which shall be punished pursuant to the Civil Servants Code for civil servants and pursuant to applicable provisions for any other personnel.

2. The above persons shall also have a confidentiality duty relating to classified documents, information or other particulars even after their withdrawal from the Service, for the duration of the classification.

3. Any person who publicizes in any way classified documents or information concerning the official status of the NIS personnel and equipment and any person who breaches the duty of secrecy or confidentiality, provided for hereby, shall be punished by imprisonment of at least one (1) year and a monetary fine ranging from €20,000.00 to €500,000.00, provided that the act is not punished more severely pursuant to any other provision, particularly articles 146 and 146 of the Penal Code.

4. The NIS personnel shall not testify as witness before courts or any other authority in relation to matters, information, facts or persons concerning the Service without the prior approval of the Minister of Interior, subject to the provisions of Law 3115/2003.

5. Notwithstanding any general or special provision but always subject to the provisions of Law 3115/2003, as currently in force, the NIS shall be exempt from the obligation to forward to other public services and legal entities in public or private law any information or particulars, if the Director General considers that the publication thereof would prejudice public interests. Access to the NIS files shall be allowed only to its personnel that are authorized to keep and process them.

Article 15

Service Board

1. The Service Board of the NIS civil servants shall consist of five members as follows:

a. The Deputy Director General, appointed by the Bylaws as Chairman, substituted by the other NIS Deputy Director General.

b. Two permanent NIS civil servants of PE (University Education) category holding the highest rank, appointed along with their substitutes (of the same category and rank) by the Director General.

c. Two representatives of the NIS civil servants, appointed along with their substitutes by the board of directors of their secondary trade union.

2. The Board shall be convened by the chairman and shall hold lawful meetings when the chairman and at least two members are in attendance. The person nominated by the chairman shall report to the Board. The chairman may also perform the duties of rapporteur.

3. A permanent NIS servant of PE category, appointed by the Director General along with his substitute, shall perform the duties of secretary to the Board.

4. The Service Board shall also perform the duties of Disciplinary Service Board, with the powers prescribed by the relevant provisions of the Civil Servants Code. The Board shall decide at first and last instance and its decisions shall only be challenged before competent courts.

Article 16

Reassignments

Notwithstanding any general or special provision, the NIS civil personnel may be reassigned, if this is dictated by reasons of public interest, to vacant organic posts or personalized posts (established by the reassignment deed) of other services of the State, legal entities in public law and local authorities of any instance, on the basis of their formal and substantial qualifications, after consulting with the NIS Service Board and by joint resolution of the Minister of Interior and the relevant Minister. If the person is reassigned to a first- or second-instance local authority, the relevant service board's opinion shall be required.

Article 17

Transfers-Postings

1. Transfers of NIS servants shall be carried out during the summer months. Transfers on the grounds of Service interests may be carried out at any time, notwithstanding any other provision, after consulting with the Service Board. The procedure and the details of transfers shall be stipulated by the NIS Regulations.

2. NIS servants who are members of the board of directors of its trade unions may not be transferred without the written consent of such servants and their trade unions.

3. The NIS civil personnel may not be posted outside the NIS.

4. Permanent servants and employees under private-law open-ended term contracts in civil services and legal entities in public law who hold organic posts and are spouses of NIS servants may be posted, notwithstanding the applicable provisions, to services of the State or the broader public sector at the region where their spouse is serving, subject to the provisions of article 10 (14) of Law 3051/2002 (Government Gazette 220 A'). The posting is carried out by joint resolution of the Minister of Interior and the relevant Minister, issued at the request of the employee, following the unanimous opinion of the Service Board of the service or body from which they are posted.

5. The deeds of appointment, reassignment, transfer and any other official change of any nature or category, relating to the NIS personnel, shall not be published in the Government Gazette.

Article 18

Recognition of period of service of the personnel of other services serving at the NIS

The period of service at the NIS of the personnel of Armed Forces and the Security Services, civil servants and employees of the public sector shall be considered for any consequence as period of effective service in the Service, Branch, Corps or agency they belong to. The period of service at the NIS of Armed Forces and Coast Guard officers shall be considered, as the case may be, as period of administration or special service, corresponding to their rank. Particularly for Armed Forces officers, the period of administration shall be determined pursuant to the orders of the relevant General Staffs.

Article 19

Budget – Fixed advances

1. For the operation of the NIS, the necessary funds shall be recorded annually in the State Budget, in a special item of the Ministry of National Defense. The NIS budget shall be executed by the NIS through the Special Accounting Office of the Ministry of National Defense.

2. The method of management and justification of the amounts recorded in confidential expenses of the special item shall be determined by joint resolution of the Ministers of Interior and Economy & Finance, which shall not be published in the Government Gazette.

3. A fixed advance shall be constituted to the Central Service to meet the regular expenses of the NIS, pursuant to the provisions of article 46 of Law 2362/1995 (Government Gazette 247 A'). The current provisions shall continue to apply to the issuance of the relevant presidential decree.

Article 20

Procurement and provision of services to the NIS

1. To carry out its mission, the NIS shall procure the necessary means and equipment.

2. Procurement and the provision of services to the NIS shall be governed by the provisions of Law 2286/1995 (Government Gazette 19 A'). By way of exception, procurement and the provision of services for NIS equipment which, by decision of the NIS Director General, fall within the scope of the provisions of article 1 (5) (II) (c), (d) and (e) of Law 2286/1995, shall be made on the basis of a special regulation, issued by resolution of the Minister of Interior.

Article 21

Transitory provisions

Until the issuance of the regulatory deeds provided hereby and until the public prosecutor stated in article 5 (3) hereof assumes his/her duties, the NIS shall continue to operate pursuant to current provisions, as long as they are not contrary to the provisions hereof.

Article 22

Abrogated provisions

On entry hereof into force, the provisions of Law 1645/1986 (Government Gazette 132 A'), as well as any general or special provision contrary to the provisions hereof shall be abrogated.

Article 27

The validity hereof shall commence on publication hereof in the Government Gazette, unless otherwise stipulated by the provisions hereof.

We order the publication hereof in the Government Gazette and the enforcement hereof as a law of the State.

Athens, 27 February 2008

THE PRESIDENT OF THE REPUBLIC

KAROLOS G. PAPOULIAS

THE MINISTERS OF

INTERIOR	ECONOMY & FINANCE
P. PAVLOPOULOS	G. ALOGOSKOUFIS
FOREIGN AFFAIRS	NATIONAL DEFENSE
TH. BACUYANNIS	E. V. MEIMARAKIS
EMPLOYMENT & SOCIAL PROTECTION	JUSTICE
FANI PALLI-PETRALIA	S. HATZIGAKIS

Attested and vested with the Great Seal of the State.

Athens, 3 March 2008

THE MINISTER OF JUSTICE

S. HATZIGAKIS