

## Actions in the MoU to be taken prior to disbursement

**Pending 0**

**Partially done 0      Status: 27 November 2012**

**Done 72**

	<b>Actions</b>	<b>Status</b>	<b>State of play</b>	<b>in old MOU?</b>	<b>section in new MOU</b>
	<b>Fiscal</b>				
1	The Government adopts of the budget for 2013	Done	Adopted, Law 4095 (Official Journal 226/A/15.11.2012		1.a
2	Adopts additional measures with the aim of reducing the primary deficit to EUR 2925 million in 2012, EUR 0 million in 2013, and ensure a primary surplus of 2774 million in 2014, 5727 million in 2015 and 9005 million in 2016	Done	Adopted, omnibus Law 4093 (Official Journal 222/A/12.11.2012		1.b
3	The Government adopts the medium-term fiscal strategy (hereinafter MTFS) through 2016 and the respective implementing bill. The MTFS elaborates on the permanent fiscal consolidation measures, which ensure that the deficit ceilings for 2013-16 as established by the Council Decision are not exceeded, and that the debt-to-GDP ratio is put on a sustainable downward path.	Done	Adopted, omnibus Law 4093 (Official Journal 222/A/12.11.2012	Yes	1.c.

PRIVATISATION					
4	Present an updated Privatisation Plan to Parliament with the 2012-2016 MTFS.	Done	Uploaded on Ministry website		2.1.a
5	Publish a semi-annual update of the Asset Development Plan, which will include a Portfolio Overview with a description of the privatisation assets, a timeline of planned tenders and targeted total receipts for the current and next year.	Done	Published		2.1.b
6	Amend the Articles of Association of the HRADF (Article 16.3.) in order to stipulate that the “due cause” required for substituting members of the Board of Directors is defined in particular by the undue suspension or by the intentional compromising of the objectives of the HRADF with acts or omissions of its Board members.	Done	MD 2/79634/0025/26.10.2012 (GG B' 2880/2012).		2.1.c
7	Amend Law 3986/2011 to require the publication of quarterly reports of the HRADF on activities and financial accounts, including a detailed profit and loss statement, a cash flow statement, and a balance sheet, within 60 days of the end of each quarter.	Done	(Omnibus) Law 4093 (Official Journal 222/A/12.11.2012, Section D2 (5a)).	Yes	2.1.d
8	Transfer to the portfolio of privatisation assets of the HRADF the full and direct ownership (shares or concession rights) of: Egnatia Motorway, and the regional ports of Elefsina, Lavrio, Igoumenitsa, Alexandropolis, Volos, Kavala, Corfu, Patras, Heraklion, and Rafina.	Done	Done for Egnatia (Ref: B2316/10-8-2012). Ports (decision 222/5.11.2012./FEK 2996, 12 November	Yes	2.1.e

9	Sign the contract between HRADF and the Ministry of Finance for the use of the voting rights for ELVO.	Done	Contract signed and sent.	Yes	2.1.f
10	Issue an Inter-Ministerial Decision that secures that the proceeds of the sales of the Digital Dividends are transferred to the HRADF.	Done	IMD 223/5.11.2012/FEK 2996, 12 November	Yes	2.1.g
11	Have the line ministries and other relevant entities providing the General Secretariat for Public Property with full access to the inventory of all real estate assets owned by the State.	Done	The appropriate letter has been sent to the line ministries. Line Ministries have provided the requested information.		2.1.h
12	Amend/repeal statutory provisions of companies that diverge from private company law (PPC, OLP and OLTH port authorities, HELPE, EYATH and EYDAP, ports, etc.), regarding any restrictions on voting rights of private shareholders	Done	Amended in the new Privatisation Law (Article 2)	Yes	2.1.i
13	Launch the process to obtain the zoning and land planning permits (ESCHADA), i.e., submit the environmental and zoning study for Afantou and Kassiopi.	Done	Environmental and zoning studies have been submitted.	Yes	2.1.j
14	Launch tenders for the appointment of advisors for EAS, ELVO, South Kavala Natural Gas, Trainose being consistent with existing procurement rules	Done	All tenders have been launched		2.1.k
<b>Tax Administration</b>					
15	Adopts legislation to define the role and qualifications of the Secretary General. Concerning qualifications, this will be a person with senior management experience, expertise in tax matters, and an impeccable reputation (including a strong tax compliance	Done	(Omnibus) Law 4093 (Official Journal 222/A/12.11.2012, Section E, Article 6	Yes	2.3.a

	history).				
16	Adopts interim legislation, and the Minister of Finance will use this to delegate decision making powers to the Secretary General. These powers will include the competence to make operational decisions, direct and control local offices, manage human resources, replace underperforming senior managers, manage the budget of the tax administration, and manage all information with due confidentiality;	Done	(Omnibus) Law 4093 (Official Journal 222/A/12.11.2012, Section E, Article 6	Yes	2.3.b
17	Adopts legislation to deploy experienced tax auditors towards activities serving the immediate revenue imperative, making fully operational key enforcement areas as the large taxpayer unit by transferring 100 auditors, establishing one functional unit for high-wealth individuals and high-income self-employed and staffing the unit with 50 experienced tax auditors directly accountable to the Secretary General of the tax administration;	Done	Ministry considers no need for legislation and can be done by Ministerial decision. Four ministerial decisions (MD) produced : - MD 31/10/2012 to transfer 100 auditors to Large taxpayers Unit, - MD 31/10/2012 to give competence to DEK Athens for High Wealth Individuals (with criterions in the MD), - MD to transfer of 50 auditors to DEK Athens, signed 8 November 2012 by Deputy Minister. - Then to ensure adequate staffing, another MD D2A 1157921 16/11/2012 was issued to move more auditors to fill gaps. All auditors have reported to their new offices.	Yes	2.3.c
18	Establishes procedures for the rotation of managers in critical tax offices on a periodic basis.	Done	(Omnibus) Law 4093 (Official Journal 222/A/12.11.2012, section E 2 , article 14, point 1.a	Yes	2.3.d

19	Replaces the Code of Books and Records by significantly simpler legislation in line with international standards;	Done	Code of Books and records abolished and replaced by Code of tax recording of transactions, by (Omnibus) Law 4093 (Official Journal 222/A/12.11.2012, in 1. of part E1. Amendment in "Minibus" act FEK 229A/19.11.2012 ref. Chapter B, Article 4. MD on issuance of electronic tickets FEK 1208/16.11.2012	Yes	2.3.e
	<b>Public Financial Management</b>				
20	adopt the 2013-16 Medium term fiscal strategy	Done	(Omnibus) Law 4093 (Official Journal 222/A/12.11.2012, , sole article, section A		2.4.a
21	ensure that EOPYY reports for at least two consecutive months (retroactive reports included) from its commitment register through the e-portal.	Done	Data submitted		2.4.b
22	introduce and make operational an internal stability pact for local governments;	Done	FEK A nr 228, date 18/11/2012		2,4
23	establish: a system to monitor budget execution for state-owned enterprises(within the general government definition); monthly budget targets; sanctions for their non-observance.	Done	FEK A nr 228, date 18/11/2012		2,4
	<b>Safeguards for the delivery of fiscal commitments</b>				

	Adopt a Council of Ministers act (replacing the Council of Ministers act adopted on 29 October 2012, aiming at strengthening the Budget execution and enhancing the sound fiscal management), and including, beyond the provisions in the original Council of Ministers act, additional provisions, establishing that Memoranda of Cooperation are signed by end-December of each year between the Ministry of Finance and the other Ministries or between the Ministries and managers of the supervised entities (thus covering the entire General Government). The Memoranda aim at enhancing the current monitoring and introducing corrective mechanisms, such as: quarterly budget execution targets, corrective actions in case of deviations from targets and further actions in case of non-compliance with the corrective actions	Done	FEK A nr 228, date 18/11/2012	2.5.a.i
25	The same Council of Ministers act includes other additional provisions strengthening the current balanced budget constraints for Local Governments in order to be more effective, but also including corrective and sanctioning mechanisms	Done	FEK A nr 228, date 18/11/2012	2.5.a.ii
26	The same Council of Ministers act includes other additional provisions strengthening the current monitoring system for SOEs, introducing an enforcement mechanism in case of	Done	FEK A nr 228, date 18/11/2012	2.5.a.iii

	deviations from the specific targets identified for each SOE				
27	iv. Setting the framework for defining specific targets for the coverage of operational commitment registers for LG and SOEs to be established by December of each year	Done	FEK A nr 228, date 18/11/2012		2.5.a.iv
28	The same Council of Ministers act includes other additional provisions setting up a framework for correcting transfers from central government to address deviations from targets within the year and possibly in the following years while ensuring that arrears are not increasing. Improvements in operational terms should be integrated in the relevant legislation, including inter alia triggering circumstances, criteria for graduation from suspension to outright reduction of transfers, and timing issues	Done	FEK A nr 228, date 18/11/2012		2.5.a.v
29	The same Council of Ministers act includes other additional provisions making it explicit that the proceeds from the privatisation of government assets are paid directly into the account referred to in section 2.5.6 of the MoU	Done	FEK A nr 228, date 18/11/2012		2.5.4.vi
30	Set automatic cuts in expenditures to be applied as a rule when targets are missed, while ensuring that arrears are not increasing.	Done	FEK A nr 228, date 18/11/2012		2.5.4.vii

	Reinforce centralisation of budget planning and implementation. This will include further strengthening of the Ministry of Finance vis-à-vis line ministries, notably with the introduction of an effective top-down budgeting, including a veto role of the Minister of Finance, monthly submission to the supervising Director General of Financial Services (DGFS) and the GAO (depending on the size of their budget) of the budget execution programme and actual execution, and the power to take corrective measures if appropriate at the implementation stage, with bodies failing to comply with their obligations being brought under the direct supervision of the Ministry of Finance	Done	FEK A nr 228, date 18/11/2012	2.5.4.vii
	<b>Other Institutional requirements</b>			
32	(i)adopts the legal act harmonising the entrance fees for all casinos in Greece and all necessary actions are taken toward full and effective recovery of the illegal state aid from all Casinos, including Casino Mont Parnes	Done <b>(subject to confirmation)</b>	(Omnibus) Law 4093 (Official Journal 222/A/12.11.2012, section E7, art. 7, point 9) Recovery ongoing	Yes 2.6.a
33	Identifies the assets and production units of LARCO assets and rights that belong to the Agios Ioannis/Larymna concession in view of their sale after the current concession of LARCO.	Done	Material submitted, Letter from Ministery of Energy and from CEO of HRADF	2.6.b

34	Amends the current requirement in the existing ETEAN law of providing government bonds at market value to banks when guarantees are called. Instead the State will provide ETEAN with cash against ETEAN holdings of government bonds to pay banks for the guarantees called.	Done	(Omnibus) Law 4093 (Official Journal 222/A/12.11.2012, section C.4		2.6.c
	<b>Public administration</b>				
35	The Government ensures that at least 2,000 staff will be moved to the mobility scheme	<b>Done Legislative part, verification ongoing</b>	Legal framework in place. CIRCULAR PUBLISHED AND SENT TO SERVICES ΑΔΑ:Β4ΣΩ X-HTΔ 12-11-2012, ex legem implementation of the circular. Verification of the final number pending		2.7.1.a
	<b>Pension Reform</b>				
36	The age of retirement is increased by 2 years, starting from (1 January 2013). The increase is applied to the statutory retirement age and any other retirement age for special groups and to the minimum requirement for getting a pension.	Done	(Omnibus) Law 4093 (Official Journal 222/A/12.11.2012, section K.3		2.8.a
	<b>Health Reforms</b>				
37	To strengthen health system governance, improve health policy coherence, reduce fragmentation in the purchasing of health services and reduce administrative costs, the Government prior to the disbursement finalises the concentration of all health-related decision making procedures and responsibilities (including payroll expenditures) under the Ministry of Health by merging all health insurance	Done	(Omnibus) Law 4093 (Official Journal 222/A/12.11.2012, section IB1/1	Yes	2.9.1.a

	funds, without exception, into EOPYY.			
38	, adopts legislation which activates contingency measures (including e.g. a cross-the-board cut in prices) , if, for any reason, the claw-back is not able to achieve the target. Such measures produce equivalent amount of savings.	Done	Entry fee introduced . Ref. "Minibus" act FEK 229A/19.11.2012 Article 11 par.1 (entry fee)	2.9.2.2.a
39	sets, through Ministerial decree, the new claw back threshold for 2013, based on the above mentioned targets (2.4 billion for outpatient).	Done	FEK 3035/B/15.11.2012	2.9.2.2.b
40	repeals the current provision of the law which hampers the collection of the rebate from pharmacies in case of delays in payments on the part of EOPYY.	Done	(Omnibus) Law 4093 (Official Journal 222/A/12.11.2012, section L 2	2.9.2.2.c
41	update the price list and the positive list of reimbursed medicines notably by reimbursing only the cost effective packages for chronic diseases, by moving medicines from the positive to the negative and OTC lists and introducing the reference price system developed by EOF. These lists must be updated at least twice a year.	Done	FEK 3047/ B/ 16.11.2012 and FEK 3046/ B/ 16.11.2012	Yes 2.9.2.3 a
42	making it compulsory for physicians to prescribe by international non-proprietary name for an active substance, rather than the brand name.	Done	FEK 3057/B/18-11.2012	Yes 2.9.2.4.a

43	mandating the substitution of prescribed medicines by the lowest-priced product of the same active substance in the reference category by pharmacies (compulsory "generic substitution").	Done	FEK 3057/B/18-11.2012	Yes	2.9.2.4.b
44	To improve the current financial situation of EOPYY and ensure that the budgetary execution is closer to a balanced budget in 2012 and 2013, a set of measures will be implemented prior to the disbursement, including: i. restricting the benefit package; ii. increasing cost-sharing for private care; iii. negotiating price-volume agreements and revising case-mix agreements with private providers; iv. revising the fees for and number of diagnostic and physiotherapy services contracted by EOPYY to private providers with the aim of reducing related costs by at least EUR 80 million in 2013. v. introducing a reference price system for reimbursement of medical devices. vi. progressively increasing the contributions paid by OGA members to the average of those paid by other members of EOPYY.	Done	FEK no.3054/B'/18-11-2012	Yes	2.9.3.a
	<b>Banking</b>				
45	the BoG has informed all banks, of their individual capital needs and has requested that they finalize the capital raising process by end-April 2013	Done	BoG confirmed that letters have been submitted to the banks. The letter reference numbers are 2660/8609/8.11.2012 to 2672/8621/8.11.2012.		3.1.1.a
46	the legal framework for recapitalisation is put into	Done	FEK 38/9.11.2012		3.1.2.a

	place				
47	The HFSF will complete the due diligence of core banks and any findings of interest to the supervisor will be communicated to the BoG. The due diligence will, inter alia, focus on a review of governance including loans to related parties, asset quality, and risk concentration. The BoG will address these findings promptly, including suspension of private shareholders (which would prevent them from participating in bank recapitalization framework) and/or removal of board members and managers.	Done	Due diligence completed. BoG has confirmed that documents have been received on 16 November, 2012.		3.4.a.
48	The authorities agree, with the EC/ECB/IMF the terms of reference for the monitoring of trustee and have communicated them to the banks with instructions for the trustees to begin work no later than mid-January 2013	Done	Done on 16 November, 2012.		3.4.b.
49	The authorities will amend the HFSF by-laws to clearly stipulate that the HFSF Board, including the EC and ECB observers at the HFSF, must be informed of all decisions of the core banks having an impact on the HFSF's rights as a shareholder/investor. This information, as soon as received by and through the senior executive of the HFSF, is to be provided within one day of receipt	Done	HFSF Board of Directors decision on 8 November, 2012.		3.4.c.
	<b>Labour</b>				
50	The Government adopts the framework provisions for the reform of the minimum wage framework as	Done	(Omnibus) Law 4093 (Official Journal 222/A/12.11.2012, subsection K.11 (paragraphs 1-4)	Yes	4.1a

	described above, with the view of having the necessary changes enacted by Q1-2013 at the latest.			
51	The Government makes it possible - and in full respect of the current limits on the duration of the working week (including the 40-hours working week as a reference) and of minimum rests due to health reasons for specific categories of workers - to: (i) on a contractual basis, apply the general rules on the number of maximum workdays to sectors not now covered by the general rules; (ii) set the minimum daily rest at 11 hours; (iii) allow in seasonal sectors the consecutive minimum two week leave requirement to be taken anytime during the year.	Done	(Omnibus) Law 4093 (Official Journal 222/A/12.11.2012, subsection K.14 (paragraphs 1-3)	4.2.a
52	the Government reduces the maximum dismissal notification period to 4 months and caps statutory severance pay at 12 months (while preserving the existing link between tenure and severance for tenures with severance below the cap). If the cap has already been surpassed on the date of the reform, the amount accrued will be grandfathered in case of future dismissal, but subject to a cap of EUR 2000 per month for the number of months that exceed 12. In addition, in those occupations where statutory severance costs are in excess of the rule just described, the compensation for severance will be aligned with the latter.	Done	(Omnibus) Law 4093 (Official Journal 222/A/12.11.2012, subsection K.12 (paragraphs 1-4). "Minibus" act FEK 229A/19.11.2012 art 12 par.2	4.3.a

	eliminates the obligations: i) to ex-ante submit work schedules to the Labour Inspectorate; ii) to require pre-approval by the Labour Inspectorate of: overtime work, itinerary books of trucks and buses, the work book of daily employment of construction workers, and split of annual leave. These changes shall not apply in the cases of underage employees and workers. Employers will be obliged to record this information and make it available to the Labour Inspectorate for checks whenever requested.	Done	(Omnibus) Law 4093 (Official Journal 222/A/12.11.2012, subsection K.13 (paragraphs 1-4)		4.4.a
54	it undertakes an independent external assessment of the Labour Inspectorate, to be completed by Q4-2012, on: (a) the mandate, activities and structure of the Labour Inspectorate with a view to increase its effectiveness and efficiency in fighting undeclared work while keeping administrative burdens for firms contained; and (b) the enforcement and penalty structure for infringements of labour arrangements (including undeclared work).	Done		Yes	4.4.b
	<b>Business environment</b>				
55	removes the mandatory presence of a lawyer to draft the articles of association of companies with capital in excess of €100,000 (cfr. Art. 42.1 of law 3026/1954).	Done	(Omnibus) Law 4093 (Official Journal 222/A/12.11.2012, section M 1,7		5.1.2.1.a

	amend the regulatory framework of custom brokers to, among others i) eliminate the limitation of customs brokers' services to natural persons and to legal partnerships; ii) allow legal persons to represent others at customs, authorise companies (natural and legal persons) to complete customs formalities (for themselves or for other companies) without employing the services of a customs broker; iii) lift geographical restrictions, nationality requirements, the age limit to sit the examinations for customs brokers; iv) increase the frequency of examinations; v) review the system of annual renewal of licenses and to vi) repeal minimum fees.	Done	(Omnibus) Law 4093 (Official Journal 222/A/12.11.2012, sectionD 5,1, "Minibus" act FEK 229A/19.11.2012 , article 3,	5.1.2.4.a
	<b>Energy</b>			
57	allow independent gas stations to (i) own or (ii) rent tanker trucks of any capacity provided that safety standards for the transportation of fuel are respected.	Done	(i) FEK B 3052/18-11-2012 (ii) Omnibus Law, ref O 1-15	6.1.7.2.a.
58	allow independent gas stations to hire public-used tanker trucks for fuel transportation without needing to qualify for their own private used tankers.	Done	(Omnibus) Law 4093 (Official Journal 222/A/12.11.2012, section O 1-15, minbus Article 6 par. 6	6.1.7.2.b.
59	allow any tanker truck, regardless of its capacity, to enter the refineries and customs installations to transport fuel under their own brand name/trademark, provided that safety standards for the transportation of the fuel are respected.	Done	(Omnibus) Law 4093 (Official Journal 222/A/12.11.2012, section J3, MD FEK 3052/B/18-11-2012	6.1.7.2.c.

60	issues technical specifications and next steps for the implementation of the input-output measurement system in all fuel stations;	Done	FEK B 3017/ 14.11.2012		6.1.7.3.a.
61	issues a Ministerial Decision providing for the installation of GPS systems, as provided for in Art. 320 of law 4072/2012.	Done	ΦΕΚ Β 3052/18-11-2012		6.1.7.3.b.
<b>Transport</b>					
62	remove restrictions on the rental of pickup trucks, vans and chauffeur services;	Done	(Omnibus) Law 4093 (Official Journal 222/A/12.11.2012, sections H2 and O4 ΦΕΚ Β 3053/18-11-2012		6.3.1.a
63	Allow shuttle services by hotels and tour agencies using small vehicles (less than 12 seats) and tour packages for small vans and off-terrain vehicles.	Done	(Omnibus) Law 4093 (Official Journal 222/A/12.11.2012, section H2 FEK B 3049/16.11.2012		6.3.1.b
<b>Retail</b>					
64	eliminates the requirement of minimum space for the sale of food products.	Done	MD issued (Υ1γ/Γ.Π/οικ. 96967 (FEK 2718/B/2012)	Yes	6.4.a.
65	allows mixed shops to sell goods other than food, subject to hygiene and food and safety standards.	Done	MD issued (Υ1γ/Γ.Π/οικ. 96967 (FEK 2718/B'/2012)		6.4.b.
66	(i) allows supermarkets the sale of pre-packaged meat, cheese and fish products; (ii) liberalizes sale in supermarkets for infant milk (i.e., 0-6 months).	Done	(i) MD issued (Υ1γ/Γ.Π/οικ. 96967 (FEK 2718/B/2012), "Minibus" act FEK 229A/19.11.2012 Article 6. par. 5 (ii) Omnibus Ref. H.3		6.4.c.
67	allows a delink of the working hours of all employees in establishments (as defined in Law 1037/1971 and related implementing legislation) from opening hours of the establishment.	Done	(Omnibus) Law 4093 (Official Journal 222/A/12.11.2012, subsection K.10 (paragraph 1))		6.4.e.
68	adjusts the law to clarify that shift breaks are allowed in all retail establishments (including those with continuous working schedule).	Done	(Omnibus) Law 4093 (Official Journal 222/A/12.11.2012, subsection K.10 (paragraph 2))		6.4.f

Regulated Professions					
69	the Government amends sector specific legislation to lift the restrictions in the professions and economic activities listed in Section 9.2.1 of this Memorandum.	Done	(Omnibus) Law 4093 (Official Journal 222/A/12.11.2012, sections K.4.I, E.6., H.5, K.4.II, K.4.III, I.1-11-13, N.1, E.5, F.3.N.1, J.1. Minibus and FEKs and MDs, FEK 3055/B/18-11-2012 TOURIST GUIDES, FEK 3055/B/18-11-2012 TOURIST AGENCIES, FEK 3056,3057/18-11-2012 MoEDUCATION (2JMDs & 4 MDs) 1MD Pending FEK (SAEP) MINI BUS: ART. 6 (accountants), ART 10 (stevedores), ART. 12 (lawyers) ART. 13 (tourist guides), ART.3 (custom brokers), ART. 7 (private education establishments), ART. 8 (energy inspectors) PENDING FEK: JMD from MoL (private labour consultancy offices), MD from MoState (newspaper agencies) and MD from MoDEV (accountants)527/18.11.2012 (board of recognition of professional qualifications). Government commitment in writing to address two legislative amendments in response to comments by EC/ECB/IMF prior to disbursement	Yes	6.5.1.1.
70	repeal Art. 42 of Legislative Decree 3026/1954, regarding the mandatory presence of a lawyer for the drawing up of documents before a notary for a series of legal transactions.	Done	(Omnibus) Law 4093 (Official Journal 222/A/12.11.2012, sectin M1. 8 A The mandatory presence of a lawyer for the buyer is abolished; the mandatory presence for the buyer for transactions above a certain threshold is abolished as of 1 January 2014	Yes	6.5.2.a.
71	repeal the scale of minimum monthly amounts that are due to lawyers remunerated for services rendered with a fixed periodic fee (without	Done	(Omnibus) Law 4093 (Official Journal 222/A/12.11.2012, section M1. 8 B, "Minibus" act FEK 229A/19.11.2012 Article 12 par. 2	Yes	6.5.2.c.

	prejudice to having fee regulations for trainee lawyers).		and ref.		
	<b>Statistics</b>				
72	Prior to disbursement, and to ensure a smooth and effective transition toward the new framework, the Authorities commit to clear all arrears toward ELSTAT for the financial years 2011 and 2012.	Done	(Omnibus) Law 4093 (Official Journal 222/A/12.11.2012, section C.3		8.1.2