



Law and Emergencies: A Comparative Overview

The Minerva Center for the Rule of Law under Extreme Conditions

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Emergency Laws and Regulations in Greece: Executive Summary

Legislative Framework

The most important legal text in Greece which is directly related to an emergency situation is the Constitution of Greece concerning the empowerment of the Parliament and the President to enact emergency measures in cases such as a state of war or a major threat to the democratic regime. Secondly, on a legislative level, the Law 3013/2002 and MD 1299/2003 stipulate the prevention, response and relief efforts in case of natural, technological and other disasters and the establishment of the General Secretariat for Civil Protection.

Entrance into a State of Emergency

According to the Greek Constitution an emergency is a situation of war or mobilization owing to external dangers or an imminent threat against national security, as well as in case of an armed coup aiming to overthrow the democratic regime. Thus, a state of emergency is declared by the Parliament by issuing a resolution upon a proposal of the Cabinet. If the Parliament is absent or if it is objectively impossible that it be convoked in time, the relevant measures are taken by presidential decree issued on the proposal of the Cabinet. The Cabinet shall submit the decree to Parliament for approval as soon as its convocation is rendered possible, even when its term has ended or it has been dissolved, and in any case no later than fifteen days. The declaration of emergency in cases of natural disasters is conferred to the Secretary General of Civil Protection, according to the L. 3013/2002. It is related to the magnitude of the mobilization of resources and means acting to prevent, respond and relief efforts in case of natural, technological and other disasters compared to those provided under normal conditions.

Legal Powers

Legal powers before, during and after a natural emergency are provided under Acts regulating issues of the General Secretariat for Civil Protection and are further elaborated in the report.

Rights in a State of Emergency

The Greek Constitution contains a well-developed set of civil and human rights. Article 48 describes a list of provisions (containing rights and obligations), which are suspended during a declaration of emergency by the parliament/ president. The relevant provisions protect among others the personal freedom; the right not to be arrested or imprisoned without a reasoned judicial warrant; the freedom of assembly; the freedom of association and the freedom of expression.

Emergency Laws and Regulations in Greece: Synopsis

Introduction

Civil protection assistance consists of governmental aid delivered in the immediate aftermath of a disaster. It can take the form of in-kind assistance, deployment of specially equipped teams, or assessment and coordination by experts sent to the field.

Yet, disasters know no borders. A well-coordinated response at a European level is necessary to avoid duplication of relief efforts and ensure that assistance meets the real needs of the affected region.

In the past few years, the Greek emergency management platform has been through constant change and development inspired by U.N and E.U committees. The catalysts of those changes were the catastrophic impacts of disasters such as the devastating wildfires of 2007. Thus, the Hellenic National Platform for Disaster Risk Reduction¹ has been reorganized as an open network and a forum of governmental agencies, with a focus on reducing the risk of natural and/or man-made hazards occurring with a major frequency and having a wide social and economic impact on the country. The official institutionalization of activities and the introduction of informal settings in the field of Disaster Risk Reduction among the relevant national stakeholders have been necessary already from the early national attempts to act in line with the strategic approach and the goals set by the Hyogo Framework of Action 2005-2015.²

1. The Legislative Framework

The main legal framework referring directly to an emergency situation is described below:

- Article 48 of the Greek Constitution concerning the empowerment of the parliament and the president to enact emergency measures.
More specifically, in case of war or mobilization owing to external dangers or an imminent threat against national security, as well as in case of an armed coup aiming to overthrow the democratic regime, the Parliament, issuing a resolution upon a proposal of

¹ L. 3013/2002, Government Gazette A No 102, 1.5.2002; Ministerial Decree 1299/2003.

² Overview of national platforms for disaster risk reduction in Europe p. 33 (2013). <https://www.unisdr.org/we/inform/publications/19617> (last visited 12/24/2015)

the Cabinet, puts into effect throughout the State, or in parts thereof the statute on the state of siege, establishes extraordinary courts and suspends the force of the provisions of articles 5 paragraph 4, 6, 8, 9, 11, 12 paragraphs 1 to 4 included, 14, 19, 22 paragraph 3, 23, 96 paragraph 4, and 97, in whole or in part. The President of the Republic publishes the resolution of Parliament.

The resolution of Parliament determines the duration of the effect of the imposed measures, which cannot exceed fifteen days.

The duration of the measures mentioned in the preceding paragraphs may be extended every fifteen days, only upon resolution passed by the Parliament, which must be convoked regardless of whether its term has ended or whether it has been dissolved.

Throughout the duration of the application of the measures of the state of emergency taken in accordance with the present article, the provisions of articles 61 and 62 of the Constitution shall apply ipso jure regardless of whether Parliament has been dissolved or its term has ended.

- Article 22 paragraph 4 of the Greek Constitution concerning the prohibition of any form of compulsory work and the requisition of personal services.
Special laws shall determine the requisition of personal services in case of war or mobilization or to face defence needs of the country or urgent social emergencies resulting from disasters or liable to endanger public health, as well as the contribution of personal work to local government agencies to satisfy local needs.
- Law 3013/2002 concerns the upgrade of the role of Civil Protection in Greece, emphasizes the importance of citizen protection and assigns roles to local authorities³. According to the law, the scope of Civil Protection is defined as “to protect citizens' life, health and property from natural hazards, technological accidents (including biological, chemical and nuclear threats) and other disasters, causing emergency situations during peace period”. The main objective of civil protection is the minimization of such disasters impacts.
- Ministerial Decision 1299/2003 referring to the National Civil Protection Plan “Xenokrates”, which establishes the general guidelines for emergency planning in Greece.⁴

³ Id.

⁴ Greece - Disaster management structure Vademecum - http://ec.europa.eu/echo/files/civil_protection/vademecum/el/2-el-1.html#lega

According to the main legislation for civil protection (Law 3013/2002, Ministerial Decree 1299/2003) the basic goals of the civil protection system (protection of life, health and property of citizens from natural and man-made disasters) are met through working out prevention plans and programs for all kinds of risks (natural and man-made), taking appropriate measures of preparedness and undertaking prevention, preparedness, response and recovery actions. These plans and programs are elaborated by all competent authorities in national, regional and local level. In a wider perspective, Greece, as a member state of the European Union, takes an active part on a larger-scale policy and strategic planning within the EU for disaster risk reduction.

- Law 2344/1995 and the Act of Ministerial Council (288, 23.12.1996): prevention, response and relief efforts in case of natural, technological and other disasters and establishment of the General Secretariat for Civil Protection under the Ministry of Interior & Public Administration.
- Presidential Decree 151/2004: organizational structure of the "General Secretariat for Civil Protection".⁵
- Ministerial Decision 3384/2006: amendments to the national civil protection plan "Xenokrates" regarding the Special Plan for Human Loss Management
- Act 3491/2006, Article 15: constitution of the CBRN Incidents Support Team
- Ministerial Decision 7270/2006: composition of the CBRN Incidents Support Team
- Law 3536/2007, Articles 27 and 34: regulations in relation to civil protection issues
- Law 3613/2007: regulations in relation to the General Secretariat for Civil Protection (evacuations)
- Presidential Decree 184/2009: constitution and competences of the Ministry of Citizen Protection.⁶
- Law 4249/2014: reorganization of the Hellenic Police, the Fire Brigade and the General Secretariat for Civil Protection, upgrade of the services of the Ministry of Public Order and Citizen Protection, regulation of other issues under the competence of the Ministry of Public Order and Citizen Protection and other provisions.⁷

(last visited 12/24/2015)

⁵ Id.

⁶ Id.

⁷ L. 4249/2014, Government Gazette, FEK 73/A'/2014.

2. Declaration of a State of Emergency: A Table of Analysis

Situation	Definition of an emergency	Who may declare the state of emergency and under what condition	How does a state of emergency end	Reference
National emergency	According to the Greek constitution a state of emergency is a situation of: war or mobilization owing to external dangers or an imminent threat against national security, as well as in case of an armed coup aiming to overthrow the democratic regime. ⁸	The parliament makes the declaration by issuing a resolution upon a proposal of the Cabinet. If the Parliament is absent or if it is objectively impossible that it be convoked in time, the measures mentioned in the preceding paragraph are taken by presidential decree issued on the proposal of the Cabinet. The Cabinet shall submit the decree to Parliament for approval as soon as its convocation is rendered possible, even when its term has ended or it has been dissolved, and in any case no later than fifteen days. ⁹	The duration of the measures mentioned in the preceding paragraphs may be extended every fifteen days, only upon resolution passed by the Parliament, which must be convoked regardless of whether its term has ended or whether it has been dissolved. ¹⁰	Art. 48 The Constitution of Greece

⁸ The Greek Constitution, Article 48..

⁹ Id.

¹⁰ Id.

Situation	Definition of an emergency	Who may declare the state of emergency and under what condition	How does a state of emergency end	Reference
Natural disaster / Technological hazard	<p>1. A destruction means any rapid or indolent natural phenomenon or technological event in the land, sea and airspace, which causes widespread adverse effects on humans and on the human or natural environment.</p> <p>b. The intensity of the destruction is determined by the size of the losses or damages relating to life, health and property of citizens, goods, productive resources and infrastructure.</p> <p>2. Risk means the likelihood of a natural phenomenon or technological incidents or other disasters combined with the intensity of the damage that can be caused to citizens, goods, to productive resources and infrastructure of a region.</p>	The Secretary General for Civil Protection is conferred to issue decisions declaring the state of preparedness of civil protection and civil protection emergency situation. In case of a local disaster of low intensity the Secretary General of the Decentralized Administration ¹¹ or the Region ¹² may be authorized by the Secretary General for Civil Protection for the issuance of the relevant decisions.	The declaration of a state of emergency for civil protection needs for natural, technological and other disasters, is de jure lifted with the lapse of six months, and may be renewed upon a decision of the General Secretary for Civil Protection, after confirmation of the competent Decentralized Civil Protection Bodies that reasons persist declaration and with specific justification that the effects of the disasters are not yet addressed. ¹³	L. 3013/2002, art. 2, par.4 L. 3013/2002, art. 8, par.1d L. 4249/2014 art. 110 L. 3852/2010, art. 282, 283

¹¹ FN 1, L. 3013/2002, Article 283.

¹² Id. Article 282.

¹³ FN 7, L. 4249/2014 Article 110.

The different institutional levels

The multi-sectoral co-ordination of public authorities in disaster prevention and mitigation measures has been one of the main responsibilities of the General Secretariat for Civil Protection/Ministry of Public Order and Citizen Protection from the beginning. Coordination activities engage a number of actors included in the forces and means of civil protection, such as: a) specialized executives for civil protection at national, regional and local level who are assigned with the supervision of development and application of plans, programs and measures of civil protection and co-ordination of all necessary actions, b) all governmental, regional and local agencies and public companies that are in charge at operational level for concrete actions of preparedness and response to disasters, c) volunteer organizations as well as specialized volunteers at national, regional or local level included in the planning made by the General Secretariat for Civil Protection and assigned with the support of plans and actions of prevention, preparedness and response.

Concerning multi-sectoral co-ordination and collaboration in disaster risk reduction, the General Secretariat for Civil Protection is responsible for elaborating, planning and monitoring national civil protection policies under the governmental guidelines. For this purpose, it collaborates with the competent Ministries and relevant institutions for drafting regulations and specifications, to prevent natural, man-made and other disasters, while being responsible for approving all regional and local plans of civil protection, per category of risk. General information and public awareness regarding prevention issues and specific directives provided by the General Secretariat for Civil Protection in case of imminent or present disasters are issues of great importance. Identifying risks and developing early warning systems consist also a basic field of its expertise.

The General Secretariat for Civil Protection (GSCP)

The mission of General Secretariat for Civil Protection (GSCP) is to protect the citizen's life, health and property from natural, technological and other major hazards. In addition, it comprises the protection of cultural heritage, historic buildings and monuments, resources and infrastructure. The GSCP studies, plans, organizes and coordinates the country's policy concerning issues of public awareness, prevention and confrontation of natural or man-made disasters. It coordinates the actions of the public services and the civil volunteers while ensuring the country's alertness to confront these disasters.

The main areas of tasks of GSCP include:¹⁴

- Readiness of the personnel and means of Civil Protection.
- Elaboration of the available scientific information for the mobilization of resources in case of emergencies.
- Coordination of response and recovery actions in emergencies.
- Coordination of emergency planning actions at national level.
- Provision of scientific support to the programs, plans and actions in the field of Civil Protection.
- Monitoring and control of the Annual National Planning implementation at regional and local level in cooperation with competent authorities.
- Propose the distribution of state funds for Civil Protection to the local authorities.
- Preparation of special reports for every major disaster. Revisions, amendment and improvement of existing proposals are included.
- Functioning a Civil Protection Operation Centre on a 24 hour basis
- Operation of a unit for the assessment of information on weather forecasting and other precursory phenomena related to natural hazards, for the early notification and warning of the competent authorities and the general public.
- Public information and awareness.
- Organization and promotion of volunteer organizations work in the field of Civil Protection.
- Cooperation with the competent authorities towards preparing regulations, codes and legislation in the field of prevention. Approval of Civil Protection plans.
- Programming, based on the annual national civil protection planning, of the necessary annual provisions of means and human resources in cooperation with the competent authorities.
- Support and promotion (coordination, planning, financing) of the research, education and training in the field of Civil Protection.
- Promotion of the country's relations with International Organizations and Civil Protection authorities, including representation in International Organizations.
- Coordination of the assistance provided to Greece and assistance provided to other countries.

¹⁴ Presidential Decree 151/2004.

In addition, in case of natural and technological disasters the GSCP carries the responsibility to rank the disaster into one of these categories and to take decisions for activating the appropriate Civil Protection Authorities and competent services. In particular, the GSCP distinguishes between:¹⁵

- Low impact local disasters that require the activation of the competent authorities of one Prefecture.
- High impact local disasters that require the activation of the competent authorities from more than one Prefecture.
- Low impact regional disasters that require the activation of the competent authorities of one Region.
- High impact regional disasters that require the activation of the competent authorities from more than one Region.
- General disasters that require the activation of the competent authorities from the entire country.

¹⁵ FN 1, Law 3013/2002.

A non-comprehensive list of institutes and bodies assisting the General Secretariat for Civil Protection

Situation	Institutes/ Public Entities
Earthquake	1. Earthquake planning and protection organization ¹⁶ 2. Institute of Geodynamics ¹⁷ 3. Institute of Engineering Seismology and Earthquake Engineering Research and Technical Institute ¹⁸
Landslides/mudslides	Institute of Geology and Mineral exploitation ¹⁹
Forest fires	Fire brigade ²⁰
Severe weather phenomena	1. Hellenic National Meteorological Service ²¹ 2. "Skiron" Forecast System- University of Athens ²² 3. National observatory of Athens, Institute for environmental research- Weather Forecasts ²³
Volcanic activity	Geospatial warning system- Nisyros island volcano (GEOWARN) ²⁴
Technological hazards	1. Greek Atomic Energy Commission ²⁵ 2. Hellenic Center for Disease Control and Prevention ²⁶

¹⁶ Official Website. <http://www.oasp.gr> (Greek)

¹⁷ Official Website. <http://www.gein.noa.gr/en/>

¹⁸ Official Website. <http://www.itsak.gr/en>

¹⁹ Official Website. http://www.igme.gr/portal/page?_pageid=33,56803&_dad=portal&_schema=PORTAL

²⁰ Official Website. <http://www.fireservice.gr/pyr/site/home.csp>

²¹ Official Website. <http://www.hnms.gr/hnms/english/index.html?>

²² Official Website. <http://forecast.uoa.gr/index.php>

²³ Official Website. <http://cirrus.meteo.noa.gr/forecast/bolam/index.htm>

²⁴ Official Website. <http://www.geowarn.ethz.ch/Index.asp?ID=55>

²⁵ Official Website. <http://eeae.gr/gr/en/index.php?>

²⁶ Official Website. <http://www.keelpno.gr/en-us/home.aspx>

Civil Protection Operation Center

The Civil Protection Operation Centre (K.E.P.P.) operates within the mission of the General Secretariat for Civil Protection (G.G.P.P.) (Article 1 P.D.151 / 2004 “General Secretariat Organization Civil Protection” and Article 6 L.3013 / 2002 “Upgrading of civil protection and other provisions”).

According to Article 6 of Presidential Decree 151/2004, the Center is responsible for the coordination and management at the national level of actions of civil protection forces and means for the emergency response and also the mobilization of civil protection assistance, with the objective to minimize the disastrous consequences.

Volunteerism

In an era of ever increasing natural and technological disasters, it is volunteerism that acquires significant value by underlying the need for social solidarity and unselfish offer in the field of civil protection, where the immediate aid offer during the occurrence of such phenomena is extremely urgent.

The General Secretariat for Civil Protection is the national integration agency of Voluntary Organizations (VOs) and Expert Volunteers (EVs) to keep a register for the implementation of the above mentioned purpose. The VOs and EVs are included in the human resources of civil protection to be in charge of supporting disaster prevention, response and recovery actions.

Non-profit legal entities or unions of persons as well as groups of volunteers who offer their services in the Local Administration can be integrated In the VOs register, , on condition that their constitution or proven action clearly suggests that they have been recently taking action in the field of civil protection.

In the VEs register there can be also volunteers which due to the nature of their professional or scientific employment or proven experience can fully respond to the duty of prevention, response and recovery of natural and technological disasters.

It is underlined that the VOs and EVs also include volunteers being active in the context of the mission of the Hellenic Fire Service.

The Inter-Ministerial Committee for National Planning (ICNP)

The Inter-Ministerial Committee for National Planning is composed of the heads of the competent ministries and approves the annual national plan for civil protection, including each ministry's civil protection budget. It also reports on the implementation of governmental measures for rehabilitation after major catastrophes.²⁷

The Central Coordination Body for Civil Protection (CCB)

The Central Coordination Body for Civil Protection, comprised of the general secretaries of the competent ministries and chaired by the General Secretary for Civil Protection, presents the civil protection annual national plan and budget for approval by the ICNP. It is responsible for following up and evaluating the annual national planning and for coordinating the response to and recovery and rehabilitation of major catastrophes.

The General Secretariat of the Regions

The General Secretary for Civil Protection and the General Secretaries of the Regions are in charge of coordinating all operational forces depending on whether the disaster is general, regional or local. The National Operational Centre for Civil Protection provides all kinds of assistance to the civil protection forces.²⁸

The Prefectures

The Prefectures are responsible for:

- Conducting local Seismic Hazard Response Plans, according to the provision of the National Emergency Plans for seismic hazards and the supplementary emergency plans worked out by the Ministries. These local plans are submitted for approval to the Regional administration.

²⁷FN 4.

²⁸ Id.

- Coordinating and supervising the work of GSCP regarding planning and implementation of measures for the prevention of seismic hazards in their area of jurisdiction.
- Assuring the availability of adequate resources in terms of staff and equipment in response to seismic hazard incidents. Submitting their local Seismic Hazard Response Plans to the Municipalities with the request to adapt the emergency planning details at Municipal level to the provisions of the emergency planning by the Prefectures.
- Conducting seismic hazard mapping in their area of jurisdiction.

The Municipalities

The Municipalities are responsible for Preparing a local emergency plan for seismic hazards in their area of jurisdiction, organizing the preparedness and mobilization of all departments and services.

3. Legal powers

(Legal powers during emergency)

Situation	Powers	Who is the power conferred to	Conditions to be met when exercising the power	Reference
Earthquake	Executive power	Law 3013/02 and the MD 1299/2003 concerning the upgrade of the role of Civil Protection in Greece and the National Civil Protection Plan "Xenokrates", which establishes the general guidelines for emergency planning in Greece, provide for the importance of citizen protection and the assignment of roles to the administrative level of local authorities. According to the law, the scope of Civil Protection is being defined as "to protect citizens' life, health and property from natural hazards, technological accidents (including biological, chemical and nuclear threats) and other disasters, causing emergency situations during peace period." The main objective is to minimize such disasters' impact. The Secretary General for Civil Protection shall issue the Act of the Declaration on the state of siege throughout the State or in parts of it.		L. 3013/02 L. 4249/14 MD 1299/7-4-03
Landslides/mudslides				
Forest fires				
Severe weather phenomena				
Volcanic activity				
Technological hazards				

Situation	Powers	Who is the power conferred to	Conditions to be met when exercising the power	Reference
War/ danger to national security	Legislative and executive power	<p>The Parliament, issuing a resolution upon a proposal of the Cabinet, puts into effect throughout the State, or in parts there of the statute of the state of siege, establishes extraordinary courts and suspends the force of certain provisions of the constitution concerning civil rights.²⁹ For example:</p> <ul style="list-style-type: none"> • The right for every person to develop his personality freely and to participate in the social, economic and political life of the country.³⁰ • Freedom of movement.³¹ • The right not be arrested or imprisoned without a reasoned judicial warrant, which must be served at the moment of arrest or detention pending trial.³² <p><u>Note:</u> If the Parliament is absent or if it is objectively impossible that it be convoked in time, the measures mentioned in the preceding paragraph are taken by presidential decree issued on the proposal of the Cabinet. The Cabinet shall submit the decree to Parliament for approval as soon as its convocation is rendered possible, even when its term has ended or it has been dissolved, and in any case no later than fifteen days.</p>	In case of war or mobilization owing to external dangers or an imminent threat against national security, as well as in case of an armed coup aiming to overthrow the democratic regime. ³³	Art. 48 of the Greek Constitution

²⁹ FN 8, The Constitution, Article 48.

³⁰ Id. Article 5.

³¹ Id.,

³² Id. Article 6.

³³ Id. The Constitution, Article 48.

4. Rights in a State of Emergency

The Greek constitution contains a well-developed set of civil and human rights. Article 48 describes a list of provisions (containing rights and obligations) which are suspended during a declaration of emergency by the parliament/ president.³⁴ The suspended provisions are:

- Individual administrative measures restricting freedom of movement in the country, and of the free exit and entrance therein of any Greek are prohibited.³⁵
- No person shall be arrested or imprisoned without a reasoned judicial warrant, which must be served at the moment of arrest or detention pending trial, except when caught in the act of committing a crime.³⁶
- No person shall be deprived of the judge assigned to him by law against his will. Judicial committees or extraordinary courts, under any name whatsoever, shall not be constituted.³⁷
- Every person's home is a sanctuary. The private and family life of the individual is inviolable. No home search shall be made, except when and as specified by law and always in the presence of representatives of the judicial power.³⁸
- Greeks shall have the right to assemble peaceably and unarmed.³⁹
- Greeks shall have the right to form nonprofit associations and unions, in compliance with the law, which, however, may never subject the exercise of this right to prior permission. (2) An association may not be dissolved for violation of the law or of a substantial provision of its statutes, except by court judgment.⁴⁰
- Every person may express and propagate his thoughts orally, in writing and through the press in compliance with the laws of the State. (2) The press is free. Censorship and all other preventive measures are prohibited.⁴¹

³⁴ Id. The Constitution The Constitution Article 48.

³⁵ Id. Article 5.

³⁶ Id. Article 6.

³⁷ Id. Article 8.

³⁸ Id. Article 9.

³⁹ Id. Article 11.

⁴⁰ Id. Article 12.

⁴¹ Id. Article 14.

- Secrecy of letters and all other forms of free correspondence or communication shall be absolutely inviolable. The guaranties, under which the judicial authority shall not be bound by this secrecy for reasons of national security or for the purpose of investigating especially serious crimes, shall be specified by law.⁴²
- The matters relating to the conclusion of collective labor agreements by civil servants and the servants of local government agencies or of other public law legal persons shall be specified by law.⁴³
- The State shall adopt due measures safeguarding the freedom to unionize and the unhindered exercise of related rights against any infringement thereon within the limits of the law.⁴⁴
- Special statutes provide for: a) Military, Naval and Air force courts which shall have no jurisdiction over civilians. b) Prize courts.⁴⁵
- Felonies and political crimes shall be tried by mixed jury courts composed of ordinary judges and jurors, as specified by law. The judgments of these courts shall be subject to the legal remedies specified by law.⁴⁶

⁴² Id. Article 19.

⁴³ Id. Article 22.

⁴⁴ Id. Article 23.

⁴⁵ Id. Article 96.

⁴⁶ Id. Article 97.