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Presidential Decree (P.D) number 114

On the establishment of a single procedure for granting the status of refugee or of beneficiary of subsidiary protection to aliens or to stateless persons in conformity with Council Directive 2005/85/EC on minimum standards on procedures in Member States for granting and withdrawing refugee status (L 326/13.12.2005)¹.

The President of the Hellenic Republic
Having regard to:

1. The provisions: a) of article 1 paragraph 1 of law 1338/1983 “on the application of Community Law” (O.G. A’34) as the former article 1 has been amended by article 6 paragraph 1 of law 1440/1984 (O.G. A’- 70); b) article 3 of law 1338/1983 as replaced by article 65 of law 1892/1990 (O.G. A’ - 101); c) article 4 of law 1338/1983 as replaced by article 6 paragraph 4 of law 1440/1984 and subsequently modified by articles 7 of law 1775/1998 (O.G. A’ - 101), 31 of law 2076/1992 (O.G. A’ - 130), 19 of law 2367/1995 (O.G. A’-261), 22 of law 2789/2000 (O.G. A’ - 21), 48 of law 3427/2005 (O.G. A’ - 132) and article 91 of law 3862/2010 (O.G. A’ - 113).

2. The provisions of articles 24 paragraph 1 and 25 para. 4 of law 1975/1991 (O.G. A’- 184), as replaced respectively by article 1 and 2 of law 2452/1996 (O.G. A’- 283).

3. The provisions of Article 11 paragraph 1 case (f) of Law 1481/1984(O.G. A’- 152), as replaced by Article 1 paragraph 1 of Law 1590/1986 (O.G. A’ 49).

4. The provisions of Articles 14 paragraph 4 and 28 paragraph 1 of Law 2800/2000 on the “Restructuring of services of the Ministry for Public Order, establishment of the Greek Police Headquarters and other provisions” (O.G. A’ 41),

5. The provisions of Article 90 of the Code of Legislation concerning the government and government bodies which was ratified by Article One of Presidential Decree 63/2005 (O.G. A’ 98),

6. The provisions of Presidential Decree 184/2009 on “the creation of the Ministry for the Protection of the Citizen and the definition of its competencies” (O.G. A’ 213),

7. The provisions of the Decision of the Prime Minister and the Minister of Finances with number 2672, dated 3/12/2009 on the “the definition of the competencies of the Secretary of State on Finances, M. Philippos Sachinidis” (O.G. B’ 2408).

8. The fact that the provisions of this Decree will place on the State budget a charge whose amount cannot be defined since it depends on events in the future linked in particular to the application of articles 6 para. 2 case (b), 10 para. 9 case (a), 11 para. 2, 12 para.4, 13 para. 6 9 case (d) (number and duration of seminars, number of staff participating in training seminars, provision of legal aid, conduct of medical examinations and provision of medical care). This financial charge for the financial year 2010 will be covered by the credits in the budget for expenditure of the Ministry for the Protection of the Citizen (Special Envelope 43-110, KAE 0515), while for the subsequent financial years, such expenses will be borne by credits in the budget for expenditure of the Ministry for each respective year.

¹ Unofficial translation by UNHCR – Athens.

9. Opinion number 227/2010 of the Council of State, following a proposal by the Ministers for the Interior, Decentralisation and e-government, of Economy, of Competitiveness and Merchant Marine, of Health and Social Solidarity, of Justice, Transparency and Human Rights and of the Minister for the Protection of the Citizen as well as of the Secretary of State on Finances

HEREBY DECIDES

CHAPTER A - GENERAL PROVISIONS

Article 1

Purpose

The objective of the present Presidential Decree is to establish a single procedure for granting the status of refugee or of beneficiary of subsidiary protection to aliens or to stateless persons in conformity with Council Directive 2005/85/EC on “minimum standards on procedures in Member States for granting and withdrawing refugee status” (L 326/13.12.2005).

Article 2 (Articles 2 and 4 of the Directive)

Definitions

For the purposes of the present Presidential Decree:

a. "Geneva Convention" is the Convention relating to the status of refugees signed in Geneva on 28 July 1951, and ratified by the Legislative Decree 3989/1959 (JOB A' 201) as amended by the relating New York Protocol of 31 January 1967 which was ratified by the Obligatory Law 389/1968 (O.G. A' -125).

b. “application for international protection” or “application for asylum” or “application” is the application made by an alien or a stateless person whereby he/she requests to be recognized as a refugee under the Geneva Convention or as a beneficiary for subsidiary protection. Any application for international protection is presumed to be an asylum application, unless the applicant specifically requests another protection status which can be applied for separately. The application for international protection may include the members of the applicant’s family who are present in the territory of Greece.

c. «Family members» of the beneficiary of international protection status, insofar as the family already existed in the country of origin, are considered the following persons:

i. the spouse of the beneficiary or his or her unmarried partner in a stable relationship,

ii. the minor, unmarried and dependent children of the beneficiary regardless of whether they were born in or out of wedlock or adopted.

iii. the adult children of the applicant who suffer from a mental or physical disability and are unable to submit an application on their own.

d. “applicant for international protection” or “applicant for asylum” or “applicant” is the alien or stateless person who declares before any Greek authority at entry points of the Greek State or in the inland, declares, in written or oral form, that he is requesting asylum or subsidiary protection in our country or in any other way asks not to be deported to a country on the grounds of his fear of persecution because of race, religion, nationality, social class or political opinions according to the above mentioned Geneva Convention or risks suffering serious harm according to article 15 of P.D. 96/2008 (O.G. A' 152) and on whose application no final decision has yet been taken. The alien who enters our country transferred to Greece in application of Council Regulation (EC) 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (OJ L 050 from 25/02/2003) is also considered as an applicant for international

protection. If the applicant addresses the application to a non-competent authority, this latter is obliged to refer him/her immediately to the authority competent to receive an application, as per article 1 point (n) of this Decree in the most suitable way.

e. "final decision" means the decision on whether an alien or a stateless person is granted refugee status or is recognized as a beneficiary of subsidiary protection and which is no longer subject to the legal remedy stipulated in article 29 of the present Decree.

f. "refugee" is an alien or a stateless person who fulfils the requirements of Article 1 A of the Geneva Convention.

g. "refugee status" is the status granted following the recognition by the competent Greek authority of an alien or stateless person as a refugee.

h. "person eligible for subsidiary protection" is, without prejudice to article 17 of P.D. 96/2008, an alien or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm as defined in Article 15 of P.D. 96/2008, and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country.

i. "Subsidiary protection status" is the status granted following the recognition by the competent Greek authority of an alien or a stateless person as a person eligible for subsidiary protection.

j. "unaccompanied minor" is a person below the age of 18 who arrives in the Greek territory unaccompanied by an adult responsible for him/her whether by law or by custom applying in the country of origin, and for as long as he/she is not effectively taken into the care of such a person, or a minor who is left unaccompanied after he/she has entered Greece. k. "representative of an unaccompanied minor" is the temporary or permanent guardian of the minor or the person appointed by the territorially competent Public Prosecutor for Minors or, in the absence of this latter, by the First Instance Public Prosecutor to ensure the minor's best interests.

l. "Detention" is the confinement of a person within a particular place, resulting in depriving him/her freedom of movement.

m. "accommodation centre" is any place used for collective housing of asylum applicants, with the exception of the detention premises.

n. "competent authorities to receive an application for international protection" or "competent authorities to receive" means the Services of the Greek Police which are responsible for initiating the procedure for international protection, namely: the Asylum Departments of the Aliens' Directorates of Athens and Thessaloniki, the Security Department of the Athens Airport Police Directorate, the Security Department of the Thessaloniki Airport Police Directorate and the Sub-Directorates or Departments of Security of the Police Directorates of the country where no Security Sub-directorate exists.

o. "Competent authorities to examine an application for international protection" or "competent authorities to examine" are, for the applications submitted in the territorial competence of

(1) General Police Directorate (G.P.D.) of Attica, G.P.D. of the Region of Sterea Ellada and P.D. of Cyclades, the Asylum Department of the Aliens Directorate of Attica.

(2) G.P.D. of Thessaloniki, G.P.D. of the Region of Western Macedonia, G.P.D. of the Region of Central Macedonia, P.D. of Kavala and P.D. of Drama, Asylum Department of the Aliens Directorate of Thessaloniki

(3) P.D. of Alexandroupoli, P.D. of Rodopi, P.D. of Xanthi and P.D. of Orestiada the Security Sub-Directory of Orestiada.

(4) G.P.D. of the Region of Peloponnesus, G.P.D. of the Region of Western Greece and G.P.D. of the Region of the Ionian islands with the exception of the P.D. of Corfu the Security Sub-directorate of Patras.

(5) G.P.D. of the Region of Epirus and the P.D. of Corfu, the Security Sub-directorate of Ioannina.

(6) G.P.D. of the Region of Thessaly, the Security Sub-directorate of Volos.

(7) P.D. of Lesvos, the Security Sub-directorate of Mytilini.

(8) P.D. of Chios, the Security Sub-directorate of Chios.

(9) P.D. of Samos, the Security Sub-directorate of Samos.

(10) P.D. of Dodecanese and more specifically: (i) for the islands of Kalymnos, Patmos, Leipsi and Leros the Police Station of Leros and (ii) for the remaining islands of the Dodecanese, the Security Sub-directorate of Rhodes.

(11) G.P.D. of the Region of Crete, the Security Sub-directorate of Heraklion.

(12) Athens international Airport, the Security Department of the Police Directorate of the Athens Airport.

(13) Thessaloniki international Airport, the Security Department of the Police Directorate of the Thessaloniki Airport.

p. "Central Authority" is the Aliens' Directorate of the Greek Police Headquarters.

q. "Country of origin" is the country of nationality or, for stateless persons, of former habitual residence.

r. "residence permit" is any permit or authorization issued by the Greek authorities in the form provided for under Greek legislation, allowing an alien or a stateless person to reside on Greek territory.

s. "Determining authority" means the General Secretary of the Ministry for Public Order, who rules at first instance on the applications for international protection. In the cases of articles 17 paragraph 3 and 18, the "Determining authority" is the territorially competent Police Director, the Police Directors of the Aliens Directorates of Athens and Thessaloniki and the Police Director of the Athens international Airport.

t. "Competent authorities to decide" are the determining authority and the Appeals' Board.

u. "Subsequent application" is any application for international protection submitted after a final negative decision.

v. "withdrawal of refugee status" is the decision by the competent authority to revoke, or refuse to renew the refugee status of a person.

w. "withdrawal of subsidiary protection status" is the decision by the competent authority to revoke, or refuse to renew the subsidiary protection status of a person.

x. "remain in the country" means to remain in the territory of Greece, including at the border or in transit zones.

y. "counsellor of the applicant" is the jurist, medical doctor, psychologist or social worker who assists the applicant during the examination of his/her application.

Article 3 (Article 3 of the Directive)

Scope

1. The present Presidential Decree applies to all applications for asylum made inside the Greek territory, including at the border or in the transit zones of the country, as well as to the withdrawal of refugee status. The same provisions apply, mutatis mutandis, on applications for subsidiary protection and on the withdrawal of subsidiary protection status. All applications for international protection are in principle examined as asylum applications, and in case the applicant does not fulfill the conditions set in the Geneva Convention on the status of refugees, they are

examined as applications for subsidiary protection, unless the applicant specifically requests for subsidiary protection status.

2. The present Presidential Decree does not apply in cases of requests for diplomatic or territorial asylum submitted to Greek diplomatic authorities and permanent representations abroad.

3. The interpretation and application of the present Decree shall always be made in accordance with the 1951 Geneva Convention relating to the status of refugees as amended by the relating 1967 New York, as well as all other international and European conventions for the protection of human rights, ratified by Greece.

CHAPTER B - BASIC PRINCIPLES AND GUARANTEES

Article 4 (Article 6 of the Directive)

Access to the procedure

1. Any alien or stateless person has the right to apply for international protection. The competent authorities to receive an application shall ensure that each adult is able to exercise the right to apply for international protection on condition that s/he appears in person before the said authorities, without prejudice to article 9 para. (1) al. (a) of this Decree. If an applicant is in detention, the competent authorities to receive ensure that the applicant is transferred to the territorially competent authorities to examine on the date of the interview.

2. The applicant may make an application on behalf of his/her family members. In such cases, the adult family members must consent in writing to the lodging of the application on their behalf, failing which they have the opportunity to make an application on their own behalf. Such consent shall be requested at the time the application is lodged or, at the latest, when the personal interview with the said family member is conducted.

3. A minor whether unaccompanied or not, aged above 14 years, can lodge an application on his/her own behalf, if the above mentioned competent authorities deem that s/he has the maturity to understand the consequence of his/her actions.

4. An unaccompanied minor who does not fulfill the above mentioned criterion of maturity may lodge an application through his/her representative, as per article 12 below.

5. The Central Authority shall ensure that the authorities likely to be addressed by applicants for international protection are informed about the competent authorities and the procedure to follow for making an application for international protection according to paragraphs 1 to 4 above.

Article 5 (Article 7 of the Directive)

Right of the applicants to remain – exceptions

1. Applicants are allowed to remain in the country until the administrative procedure for the examination of their application is concluded and they shall not be removed, in any way.

2. The previous paragraph shall not apply:

a. in the cases where, the authorities surrender or extradite the person concerned either to another Member State pursuant to the provisions of law 3251/2004 (O.G. A'-127), or to a third country, or to international criminal courts or tribunals, in accordance with the country's international obligations. This surrender or extradition must not lead to the refoulement of the applicant in a way contrary to article 33 paragraph 1 of the Geneva Convention. No applicant shall be extradited before a final decision on the application is taken, if he/she claims fear of persecution in the requesting State.

b. in the cases that another Member State has accepted the responsibility to examine that asylum application, in the context of the application of Council Regulation (EC) 343/2003 (L 50/25.2.2003).

3. The right to remain in the country, as per paragraph 1 above, shall not constitute an entitlement to a residence permit.

Article 6 (Article 8 of the Directive)
Requirements for the examination of applications

1. Applications for international protection are not rejected and their examination is not prevented on the sole ground that they have not been made as soon as possible.

2. Decisions on applications shall be taken on an individual basis, following a comprehensive, objective and impartial examination. To that end the Central Authority:

a. Shall gather and assess precise and up-to-date information from reliable sources, such as the United Nations High Commissioner for Refugees, as to the general situation prevailing in the countries of origin or former habitual residence of applicants and, where necessary, in countries through which they have transited. Such information shall be made available to the authorities competent to examine an application.

b. shall ensure that the personnel responsible to examine applications and recommend decisions have the knowledge with respect to legislation and case law on international protection. To this end, it shall organize training seminars on its own or in cooperation with the United Nations High Commissioner for Refugees or non-governmental organizations, and shall make available to the authorities competent to receive, to examine and to decide on applications for international protection the guidelines and circulars from the United Nations High Commissioner for Refugees on international protection issues.

Article 7 (Article 9 of the Directive)
Reasoning and notification of decisions

1. The decision on the application for international protection shall be notified to the applicant in accordance with the provisions of articles 47 and foll. of the Code of Administrative Procedures (law 2717/1999 – O.G. A' 97) by a police official. If the applicant cannot be found in the address of his/her residence or lodgings he/she has provided, s/he is informed by telephone – in case, s/he has provided a telephone number, to appear before the authority competent for receiving the application in order to be notified the decision. Notification shall take place, at the latest, during the first subsequent appearance of the applicant before the competent authorities to renew the asylum seeker's card. If the applicant fails to appear, at the latest on the following working day after the expiration of the card's expiry, the notification is deemed to have taken place on that date. implicitly withdrawn his/her application and the provisions of article 13 para. 2 of this Decree shall apply by analogy. Such notification takes place in the presence of an interpreter in a language the applicant understands; this fact is specifically mentioned in the relevant notification receipt.

2. Where the application is rejected, the reasons, in fact and in law, shall be stated in the decision. Any negative decision shall also mention the time-frame for lodging an appeal, the body before which such appeal may be lodged, as well as the consequences of letting this period elapse without taking action.

3. Whenever the application is lodged also on behalf of the family members of the applicant who claim the same grounds for protection, the Determining Authority may take one single decision, covering all family members.

Article 8 (Article 10 of the Directive)
Guarantees for applicants

1. When chapters C and D of the present Decree apply, applicants shall enjoy the following guarantees:

a. They shall be informed in a language which they may reasonably be supposed to understand of the procedure to be followed, of their rights and obligations, of the fact that the information they provide to the authorities during the examination of their application shall remain confidential as well as of the possible consequences of not complying with their obligations and not cooperating with the authorities. They shall also be informed of the time-frame as well as the means at their disposal for fulfilling the obligation to submit the elements necessary for substantiating their claims. This information shall be given in time to enable them to exercise the rights and to comply with the obligations described in Article 9 of this Decree.

b. They shall be provided with the services of an interpreter in order to submit their case to the authorities competent to receive and examine the application and for the conduct of the interview at all stages of the procedure, if appropriate communication cannot be ensured without such services. The interpreter's costs shall be paid for out of public funds.

c. They shall be offered the opportunity to communicate with the United Nations High Commissioner for Refugees or with any other organisation providing legal assistance.

d. Immediately after the date of their interview is set, they shall be provided, free of charge, by the competent authorities to receive with a special individual document ("asylum seeker's special card") which bears the applicant's photograph and certifies that s/he is allowed to remain in the Greek territory until the set date of the interview. This document may also state whether the holder is not allowed to move in parts of the Greek territory. After the interview is conducted, this card is renewed for further 6-month periods till a final decision on the application is issued. In the cases of articles 17 para. (3) and 18, this card is renewed for further 3-month periods until the final decision on the application for international protection. The alien is obliged to hand over the above mentioned card to the competent service upon receiving the final decision on his application and is then destroyed; a relevant note on this destruction is drafted and included in the applicant's file. The members of the applicant's family are also provided with the same card under the same conditions. This card is not issued when the applicant is in detention and during the examination of an application for made at the border according to article 24.

e. they shall be informed of the result of the decision on their application for international protection in a language that they understand as well as on how to challenge a negative decision.

2. The decision on the application for international protection shall be taken and served to the applicant as soon as possible according to the provisions of article 7 above.

3. Throughout the examination of an application for international protection, the authorities shall recognize and validate the authenticity of the signature of applicants upon demonstration of the asylum seeker's special card for the processing of issues related to their application. When an applicant is detained or during the procedure of article 24, the competent authorities recognize and validate the signature of aliens for the above mentioned acts, on the basis of the identity data declared by them.

4. When an application may reasonably be considered to be well-founded or when the applicant belongs to a vulnerable group, as provided in article 17 of P.D. 220/2007 (O.G. A' 251), the application shall be examined in priority, in accordance with the basic principles and guarantees described in this article.

Article 9 (Article 11 of the Directive)
Obligations of the applicants

1. Applicants are obliged to cooperate with the competent authorities to the extent that this is necessary in order to process their application. In particular and in all cases applicants shall:

a. appear before the competent authorities in person swiftly or at the specified, according to the respective provisions, time and refer or submit their requests. An application for international protection, an appeal against a negative decision, a subsequent application and an application to renew an asylum seeker's card are only submitted in person unless cases of force majeure, such as serious illness, serious physical handicap or detention, arise; these must be justified by a relevant certificate or attestation by a public authority. In the above cases, the application shall include a statement by the applicant that s/he is aware of the conditions set in this paragraph. In all cases, the beginning of the examination procedure for an application of international protection is pending on the fulfillment of the above conditions and the confirmation, in person, of the application by the applicant

b. hand over their travel document or any other document in their possession relevant to the examination of the application and to the identity of themselves, their family, their country and place of origin and their family status. Granting international protection status does not require the submission of formal documentation. Whenever such documents are being handed, a relevant receipt is being issued.

c. inform the authorities competent to receive the application of their current place of residence or address and the authorities competent to receive or to examine of any changes thereof as soon as possible. They shall also be obliged to accept any notification or service at the most recent place of residence or address which they have indicated.

d. cooperate with the competent authorities in view of every lawful action, relating to their application.

e. accept a personal search and the search of the objects in their possession, agree to be photographed according to the provisions of the law. They are fingerprinted if they are above the age of 14 (article 4 of Council Regulation 2725/2000/EC OJ 316/15/2000).

2. Applicants shall be specifically informed of these obligations as well as of their rights according to article 8 above and a relevant report shall be completed thereupon, explicitly stating the language of communication.

Article 10 (Articles 12, 13 and 14 of the Directive)
Personal interview

1. Before a decision is taken by the Determining Authority a personal interview is conducted with the applicant by an officer-ranked official of the competent authority to examine, appointed to this purpose. The official recommends the decision to the Determining Authority after having completed a relevant report. The interview takes place with the assistance of an interpreter who is able to ensure adequate communication, in order for the applicant to confirm the facts stated in the application and to provide explanations, particularly as regards his exact identity data, the reasons for which he does not hold a passport or other official travel document, the exact itinerary he followed before entering the Greek territory and the reasons which forced him to leave his country of origin, or in the case of a stateless person the country of former habitual residence seeking protection. Before the interview, the applicant is given, if s/he so wishes, a reasonable amount of time in order to sufficiently prepare himself and to consult a legal or other counsellor who will assist him during the procedure. The reasonable amount of time is determined by the competent authority to examine and, including the prolongations, must not exceed two months. A representative of the United Nations High Commissioner for Refugees or of an organisation

cooperating with this latter, may be present during the interview and allowed to ask questions to the applicant; the legal or other counsellor of the applicant may also be present. The United Nations High Commissioner for Refugees is informed in time of the planning of interviews and the names of the applicants. If the interview concerns a woman applicant, special attention is taken so that the interview is taken by a specialised woman interviewer in the presence of a woman interpreter; if this is not possible, the relevant reasons are stated in the report. A separate interview is conducted with every adult family member. When minors are concerned, the personal interview is conducted taking into consideration their maturity and psychological consequences of their traumatic experiences.

2. The personal interview may be omitted where:

a. the Determining Authority is able to take a positive decision on the basis of evidence available, or

b. It is not reasonably practicable, in particular where the applicant is unfit or unable to be interviewed owing to enduring circumstances beyond his/her control. Such incapacity is certified by a relevant medical or psychological certificate from a public hospital.

3. The recommendation from the official of the competent authority to examine shall also include the opinion of the representative of the United Nations High Commissioner for Refugees or of the organisation cooperating with this latter, if this person was present during the interview. The said recommendation shall, where applicable, also include any proposal for the examination of the application as a manifestly unfounded one. Whenever the decision of the Determining Authority diverges from the above mentioned opinion of the representative of the United Nations High Commissioner for Refugees or of the organisation cooperating with this latter and rejects the application, it shall be specifically reasoned.

4. When the applicant or, where applicable, the member of the family is not provided with the opportunity of a personal interview pursuant to case (b) of paragraph 2 above, the Determining Authority shall endeavor to provide them with the possibility to submit further supplementary information.

5. The absence of a personal interview in accordance with the above shall not prevent the Determining Authority from taking a decision on an application. When the personal interview is omitted, the Determining Authority, in its decision rejecting the application, shall include a motivated opinion as to the reasons justifying this omission.

6. The absence of a personal interview in accordance with case (b) of paragraph 2 above shall not adversely affect the decision of the Determining Authority.

7. The personal interview shall take place without the presence of the applicant's family members unless the authority competent to examine an application considers their presence necessary.

8. The personal interview shall take place under conditions which ensure appropriate confidentiality.

9. During the interview, the appropriate steps shall be taken to ensure that they are conducted under conditions which allow applicants to present the grounds for their applications in a comprehensive manner. To that end:

a. the persons who conduct the interview must be sufficiently competent to take account of the personal or general circumstances surrounding the application, including the applicant's cultural origins or vulnerability. It is particularly necessary that the above mentioned officials be trained concerning the special needs of women, children and victims of violence and torture.

b. an interpreter shall be selected who is able to ensure appropriate communication in a language understood by the applicant.

10. A written report shall be made of every personal interview, containing the basic information presented by the applicant to substantiate his/her application.

11. The applicant shall be invited to approve the accuracy of the content of the report by signing it, with the assistance of the interpreter who also signs it. Where an applicant refuses to approve the contents of the report, the reasons for this refusal shall be entered into the report. The refusal of an applicant to approve the contents of the report shall not prevent the Determining Authority from taking a decision on his/her application.

12. Applicants shall have the right to receive, at any time, copy of the report of the personal interview.

13. If, there are strong indications during the interview that the applicant has been submitted to torture, s/he shall be referred to a specialized medical centre, or a doctor or a psychologist of a public hospital, who shall make a report on the existence or not of injuries of maltreatment or of indications of torture.

14. The above mentioned guarantees shall also apply during the procedure for the examination of appeals and during any supplementary examination.

Article 11 (Articles 15 and 16 of the Directive) Representation and assistance

1. Applicants have the right to consult, at their own cost, a lawyer or other counsellor on matters relating to their applications.

2. In the case of an application for judicial protection, the applicant shall be provided with free legal assistance according to the procedure described in law 3226/2004 (O.G. 'A'- 24).

3. Lawyers who represent applicants shall have access to the information in the applicant's file, if this information is relevant to the examination of the application. Other counsellors who assist the applicant shall have access to the applicant's file, if this information is relevant the assistance provided. The Determining Authority may, in a reasoned decision, forbid the disclosure of the source of the information if it considers that such disclosure sources may jeopardise national security, the international relations of the country, the security or the necessary secrecy in the actions of the organisations or person(s) providing the information. The access to these confidential information or sources is, in any case, possible to the court that is competent to examine the applications to annul provided in article 29 below.

4. Lawyers who represent applicants and other counsellors who assist them shall have access to closed areas, such as detention facilities and transit zones, for the purpose of consulting the applicants in specially arranged premises. The authorities competent to receive or examine an application may only limit the possibility of these persons' access to such closed areas where such limitations is deemed objectively necessary for the security, public order or administrative management of the area, or in order to ensure an efficient examination of the application, provided that access by the lawyer or legal counsellor is not thereby severely limited or rendered impossible.

5. Lawyers and other counsellors shall have the right to represent the applicants at all stages of the procedure. Applicants are entitled to be present, together with the lawyer who represents them or the counsellor who assists them, during the personal interview. The absence of a lawyer or a counsellor shall not prevent the holding of the personal interview.

Article 12 (Article 17 of the Directive) Applications by unaccompanied minors

1. When an application is lodged by an unaccompanied minor, the competent authorities shall take action according to paragraph 1 of article 19 of Presidential Decree 220/2007 in order to appoint a guardian for the minor. The guardian or the person exercising particular guardianship

acts shall be given the opportunity to inform the unaccompanied minor about the meaning and possible consequences of the personal interview and, where appropriate, how to prepare himself/herself for the personal interview. The guardian or the person exercising particular guardianship acts is invited and may be present during the minor's interview and shall be allowed to ask questions or make comments, so as to facilitate the procedure.

2. Applications lodged by unaccompanied minors shall always be examined in priority and according to the regular procedure.

3. The officials conducting interviews with unaccompanied minors and make recommendations on their application for international protection shall have the necessary knowledge of the special needs of minors and conduct the interview in such a way as to make it fully understandable, taking account, in particular, of the child's age.

4. The competent authorities to examine applications may use medical examinations to determine the age of unaccompanied minors. In cases where medical examinations are used, care is taken that:

a. unaccompanied minors are informed prior to the examination of their application and in a language which they understand, of the possibility that their age may be determined by medical examination, the method of examination to be used, the possible consequences of the result of the medical examination for the examination of the application, as well as the consequences of a refusal on the part of the unaccompanied minor to undergo the medical examination.

b. the unaccompanied minors or their guardians consent to carry out an examination to determine the age of the minors concerned.

c. the decision to reject an application from an unaccompanied minor who refused to undergo this medical examination shall not be based solely on that refusal.

d. Until the completion of the medical examination, the person who claims to be a minor shall be treated as such.

5. If the results of the medical examination are not firmly conclusive that the applicant is adult, s/he shall be treated as a minor.

6. The fact that an unaccompanied minor has refused to undergo such a medical examination shall not prevent the Determining Authority from taking a decision on the asylum application.

6. The best interests of the child shall be a primary consideration when implementing the provisions of this article.

Article 13 (Article 17 of the Directive) Detention of applicants

1. A third-country national or stateless person who applies for international protection shall not be held in detention for the sole reason that he/she entered and remains illegally in the country. A person who applies for international protection while in detention shall remain in detention if the conditions of paragraph 2 below are fulfilled.

2. The detention of applicants in an appropriate space is exceptionally allowed when alternative measures cannot be applied for one of the following reasons:

a. the applicant does not possess or has destroyed his/her travel documents and it is necessary to determine the identity, the circumstances of entry and real information on his/her of origin, in particular in the case of mass illegal entries of applicants.

b. the applicant is a danger for national security or public order, the reasons being detailed in the detention order.

c. detention is considered necessary for the speedy and effective completion of the application.

3. The decision to detain applicants for international protection is taken by the territorially competent Police Director and, in the cases of the General Police Directorates of Attica and Thessaloniki by the Aliens' Police Director; it includes a full and comprehensive motivation.

4. This detention is ordered for the absolutely necessary duration and in no case can it exceed ninety (90) days. If the applicant has been detained earlier in view of an administrative deportation order, the total detention time cannot exceed one hundred and eighty (180) days.

5. Applicants detained according to the above paragraphs are allowed to appeal and submit objections against their detention according to article 76 paragraph 3 of law 3386/2005.

6. In the cases that applicants for international protection are being detained, the competent authorities to receive or examine, without prejudice to the international and national legislation on detention, shall apply the following:

a. they shall take care that women are detained in a place separate from men.

b. They shall avoid detaining minors. Children separated from their families and unaccompanied minors shall be detained for only the necessary time till their safe referral to adequate centres for accommodation of minors.

c. they shall avoid detaining women in an advanced state of pregnancy or who have recently given birth.

d. they shall provide detainees with the necessary medical care.

e. they shall see that the right of detainees to legal representation is fully guaranteed.

f. they shall take care that detainees are informed as to the reasons and the duration of their detention.

Article 14 (Articles 19 and 20 of the Directive) Withdrawal and revocation of an application

1. When an applicant withdraws his/her application in writing the competent authority to decide shall reject the application with a duly motivated decision. The withdrawal administrative report shall be drafted in the presence of an interpreter who shall confirm the accuracy of its content and the applicant shall be informed of the consequences of its action.

2. When there is reasonable cause to consider that an applicant has implicitly withdrawn or abandoned his/her application and the interview of the applicant has taken place, the competent authority shall issue a decision on the application. In case the interview of the applicant has not taken place, the competent authority shall discontinue the examination of the application, with a relevant act, and close the file. In this case, the applicant has the right, within sixty (60) days of the relevant decision to close the file, to request from the above-mentioned authority to continue the examination of the application, explaining the reasons for not considering that there has been implicit withdrawal. The applicant shall not be removed from the country until a decision on that request is taken.

3. It is assumed that the applicant has implicitly withdrawn or abandoned his/her application in particular when it is ascertained that:

a. he/she has failed to respond to requests to provide information essential to his/her application in terms of article 4 of P.D. 96/2008 or

b. has not appeared for the personal interview as provided for in article 9 or

c. s/he has absconded from the place where s/he was detained or

d. s/he left without authorisation the place where s/he lived without requesting the permission or informing the competent authorities; or

e. has not complied with the reporting duties of case (a) in paragraph 1 of article 9, or other obligations to communicate for thirty (30) days.

f. did not appear to renew the asylum seeker's card on the following working day after the card's expiry and the deadline for appeals has elapsed.

4. In the case that an applicant is transferred to Greece, in application of Council Regulation 343/2003, any decision to discontinue the examination of their applications for international protection shall be automatically revoked and the examination procedure shall continue.

Article 15 (Article 21 of the Directive)
The role of the United Nations High Commissioner for Refugees

1. All decisions taken on applications for international protection and decisions withdrawing or revoking the refugee or subsidiary protection status shall be notified to the Office of the U.N. High Commissioner for Refugees in Greece.

2. The U.N. High Commissioner for Refugees:

a. shall have access to information or elements which relate to the development of the examination of an application for international protection provided that the applicant explicitly consents to it.

b. may present its views or provide supplementary information to the authorities competent to receive or examine an application.

c. May, by means of its representatives, visit the detention centres where applicants or persons in need of international protection are kept during their detention for any reason or during their stay in a port or airport transit zone. Their access to such places shall be free. A appropriate place shall be made available by the competent service receiving the application or by the service in which the applicants are being detained, in order to secure confidentiality of the communication between the asylum applicants and the UNHCR representatives.

d. Shall present its views, in the exercise of its responsibilities under Article 35 of the Geneva Convention, to competent authorities regarding individual applications for international protection at any stage of the procedure.

3. The U.N. High Commissioner for Refugees Representative shall be provided with the statistical data that are necessary for the effective carrying out of its tasks, as foreseen in Art. 35, paragraph 2 of the Geneva Convention.

4. The provisions of paragraph 2 shall also apply to the organisations which, on the basis of a special agreement, officially act on behalf of the UN High Commissioner for Refugees in Greece.

Article 16 (Article 22 of the Directive)
Confidentiality

For the purposes of examining individual cases, all competent authorities shall not:

(a) Disclose information regarding individual applications or the fact that an application has been made, to the alleged actors of persecution of the applicant.

(b) ask any information from the alleged actors of persecution in a manner that would result in directly or indirectly informing them of the fact that an application has been made by the applicant in question, and would jeopardize the physical integrity of the applicant and his/her dependants, or the liberty and security of his/her family members still living in the country of origin.

CHAPTER C - PROCEDURES AT FIRST INSTANCE

Article 17 (Article 23 of the Directive) Examination procedure

1. The authorities competent to examine an application for international protection shall examine applications in accordance with the basic principles and guarantees established in Chapter B' above.

2. The examination of applications shall be concluded within three months when the accelerated procedure is applied, with the exception of applications examined under the procedure of article 24 below; they shall be concluded within six months when the regular procedure is applied. In case the examination cannot be concluded within the set maximum period, the applicant has the right to receive, upon his/her request, information from the authorities competent to examine the application on the time-frame within which the decision on his/her application is to be expected. Such information shall not constitute an obligation for the said authorities towards the applicant concerned to take a decision within a specific time-frame.

3. Applications for international protection shall be examined with the accelerated procedure when they are manifestly unfounded or when the applicant is a national of a safe country of origin or comes from a safe third country.

4. An application shall be considered to be manifestly unfounded when the applicant:

- a. invokes reasons that are manifestly irrelevant to the status of refugee or a person entitled to subsidiary protection or
- b. has filed the application for abusive reasons or intentionally in order to mislead authorities.

Article 18 (Article 25 of the Directive) Inadmissible applications

The Determining Authority shall reject as inadmissible, with a relevant act, an application for international protection if:

a. another EU member state has granted the applicant international protection status or has taken the responsibility to examine the application on the basis of Council Regulation (EC) No 343/2003.

b. a country which is not an EU member state and is considered as a safe third country in the meaning of article 20 below or a first country of asylum in the meaning of article 19 below for the applicant has already granted this latter adequate protection.

c. the applicant has lodged an identical application after a final decision of the competent Authority to decide, or,

d. a member of the applicant's family lodges a separate application, after he/she has in accordance with article 4 consented to have his/her case be part of an application made on his/her behalf, and there are no facts relating to the said person's situation, which justify a separate application.

Article 19 (Article 26 of the Directive) First country of asylum

1. A country shall be considered to be a first country of asylum for a particular applicant if:

- a. he/she has been recognised in that country as a refugee and can still avail himself/herself of that protection or otherwise enjoys sufficient protection in that country, including benefiting from the principle of non refoulement provided that he/she will be re-admitted to that country.

2. In applying the concept of first country of asylum to the particular circumstances of an applicant, the content of article 20, paragraph 1 below shall be taken into account.

Article 20 (Article 27 of the Directive)
Safe third countries

1. A country shall be considered as a safe third country for a specific applicant when all the following conditions are fulfilled:

a. the applicant's life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion;

b. the country respects the principle of non-refoulement in accordance with the Geneva Convention;

c. the applicant is in no risk of suffering serious harm as per article 15 of P.D. 96/2008;

d. the prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law, is respected;

d. the possibility exists to request refugee status and, if found to be a refugee, to receive protection in accordance with the Geneva Convention;

e. the possibility exists to request refugee status and, if found to be a refugee, to receive protection in accordance with the Geneva Convention.

The applicant has a link to this third country which would reasonably allow him/her to move to it.

2. The fulfillment of these conditions shall be examined for each individual case and applicant separately. When implementing a decision solely based on this article, the authorities competent to examine an application shall inform the applicant accordingly and shall provide him/her with a document informing the authorities of the third country that the application has not been examined in substance.

3. Where the third country does not permit the applicant to enter its territory, his/her application shall be examined in substance by the authorities competent to receive and examine.

Article 21 (Articles 30 and 31 of the Directive)
Safe countries of origin

1. 'Safe countries of origin' are:

a. Those included in the common list of safe countries of origin adopted by the Council of the E.U.

b. Third countries, in addition to those of case (a), which are included in the national list of safe countries of origin, compiled and kept, for the purpose of the examination of an application for international protection, by the Central Authority, on the basis of an evaluation according to the provisions of paragraphs 3 and 4. Such evaluation shall take into account information from other Member States and international organisations, such as UNHCR and the Council of Europe. The national list of countries may also include parts of a country, if these latter fulfil the conditions of paragraphs 3 and 4. Such evaluation shall be repeated on an annual basis taking into account changes occurring in each country. The national list of countries of origin shall be notified by the Central Authority to the European Commission.

2. A third country may be considered as a safe country of origin for a particular applicant only if, upon examination of the application, it is confirmed that the applicant:

a. has the nationality of that country or is a stateless person and was formerly a habitual resident of that country, and

b. has not submitted any serious grounds for considering the country not to be a safe country of origin in his/her particular circumstances and in terms of his/her qualification as a refugee in accordance with the present provisions.

3. A country shall be considered as a safe country of origin where, on the basis of the legal situation, the application of the law within a democratic system and the general political circumstances, it can be shown that there is generally and consistently no persecution as defined in Article 9 of P.D. 96/2008, no torture or inhuman or degrading treatment or punishment and no threat by reason of indiscriminate violence in situations of international or internal armed conflict.

4. In applying the previous paragraph, account shall be taken, *inter alia*, of the extent to which protection is provided against persecution or mistreatment by:

a. the relevant laws and regulations of the country and the manner in which they are applied;

b. observance of the rights and freedoms laid down in the European Convention for the Protection of Human Rights and Fundamental Freedoms (L.D. 53/74-A 256) and/or the International Covenant for Civil and Political Rights and/or the Convention against Torture (law 1782/1988 O.J A/116/1988), in particular the rights from which derogation cannot be made under Article 15(2) of the said European Convention;

c. respect of the non-refoulement principle according to the Geneva Convention

d. provision of a system of effective remedies against the violation of these rights and freedoms.

Article 22 (Article 28 of the Directive)

Unfounded applications

1. Without prejudice to article 14, the competent authority to decide shall reject an application as unfounded if it has established that the applicant does not qualify for refugee or subsidiary protection status pursuant to the present provisions.

2. The decision shall be served to the applicant pursuant to the provisions of article 7 paragraph 1 and the special asylum seeker's card shall be withdrawn.

Article 23 (Articles 32 and 34 para. 1 of the Directive)

Subsequent applications

1. Where the applicant for international protection lodges a subsequent application, the competent authorities to examine the application shall look at the elements of the subsequent application in conjunction with the elements of the previous application or appeal.

2. A subsequent application shall be subject first to a preliminary examination during which it is examined whether there have arisen new elements or whether the applicant has provided new, substantial elements. The decision for this stage shall be taken by the territorially competent Police Director or the Director of the Aliens' Directorate of Athens and Thessaloniki or the Director of the Athens Airport Police Directorate.

3. The competent authorities to examine shall ensure that applicants whose application is being considered according to the previous paragraph enjoy the guarantees provided in article 8 above.

4. Until a final decision is reached on the preliminary examination, all measures of deportation or removal existing against the applicants shall be suspended.

5. If, following the preliminary examination referred to in paragraph 2 of this article, new elements or findings arise or are presented which significantly add to the likelihood of granting the

applicant international protection, the application shall be further examined in conformity with Chapter B.

6. The procedure referred to in this article may also be applicable in the case of a family member of the applicant who lodges an application after he/she has, in accordance with article 4 paragraph 2, consented to have his/her case be part of an application made on his/her behalf. In this case the preliminary examination referred to in paragraph 2 of this article will consist of examining whether there are facts which justify a separate application by the dependant.

7. Any further filing of a similar subsequent application shall be examined by the territorially competent Police Director or the Director of the Aliens' Directorate of Athens and Thessaloniki or the Director of the Athens Airport Police Directorate according to the provisions of the Administrative Procedure Code on abusive applications.

Article 24 (Article 35 of the Directive) Border procedures

1. Where applications for international protection are lodged at the border or at transit zones of ports or airports, the accelerated procedure, as described in article 17 above shall be followed; the applicants shall enjoy the guarantees provided for in article 11 paragraph 1 as well as all guarantees provided for in articles 8 and 12 above.

2. If, however, no decision on the application is reached within four weeks, the applicant shall be allowed to enter the territory of the country in order for his/her application to be examined according to the other provisions of the present decree.

3. In the event that the accelerated procedure, provided for in paragraph 1, cannot be practically applied at the border or in a transit zone of ports or airports, in particular due to the arrival of a large number of persons lodging applications for international protection, the accelerated procedure may be used in other locations in proximity to the border or transit zone, where these persons are accommodated.

4. In the cases of this article where an application of international protection is rejected and a deportation order is issued whose enforcement is suspended pending a judicial review, the applicant shall be allowed to enter the country without any passport control till a ruling on the application to annul is taken. The applicant shall be obliged to present him/herself as soon as possible to the territorially competent authority to examine applications in order to state his/her place of residence and to have the special asylum seeker's card issued.

CHAPTER D - APPEALS PROCEDURES

Article 25 The right to lodge an appeal

1. Applicants shall have the right to appeal before the Appeals' Board set in article 26 against the following:

a. a decision rejecting their application for international protection or withdrawing such status within thirty (30) days after the day of serving of the decision.

b. A decision ruling as manifestly unfounded or as inadmissible their application for international protection, according to articles 17 para. 3 and 18 respectively within fifteen (15) days after the day of serving of the decision.

c. A decision rejecting their application for international protection in the cases of article 24 within ten (10) days after the day of serving of the decision.

d. a decision rejecting their subsequent application during the preliminary examination stage within fifteen (15) days after the day of serving of the decision.

2. During the time that an appeal is allowed and, after it is lodged, till such time as the Appeals' Board issues its decision, all measures of removal of the applicant shall be suspended.

3. The special asylum seeker's card shall be issued again when an appeal is lodged; its validity will be of six months in the case of paragraph 1 (a) above and of three months in all other cases of paragraph 1.

Article 26 **Appeals' Board**

1. The Minister for the Protection of the Citizen shall establish, by ministerial decision, one or more Appeals' Boards which shall operate within the Ministry and will have deciding power. The same decision shall set the duration of these Boards. Each Board shall consist of:

a. a civil servant from the Ministry of Interior, Decentralization and e-Governance or from the Ministry of Justice, Transparency and Human Rights with university grade and having graduated from a Law School and who will chair the Board,

b. a representative of the United Nations High Commissioner for Refugees and

c. a jurist specialised in refugee law and human rights law.

2. The Ministry staff who are members of the Boards and their substitutes shall be appointed by the competent Minister. The above mentioned third member of the Boards shall be chosen from among a relevant experts' list set under the responsibility of the National Commission for Human Rights according to its regulation. Lawyers appointed as members of the Board shall abstain from any legal action on behalf of third country nationals on immigration or international protection matters and shall not represent such clients before the authorities. In case the second and third members of the Boards, or their substitutes do not attend the meetings of the Board for any reason, save cases of force majeure, for three consecutive meetings, despite having been duly invited, they shall be replaced by civil servants from the Ministry of Interior, Decentralization and e-Governance or from the Ministry of Justice, Transparency and Human Rights with university grade.

3. The chair and the members of the Boards are full-time employed in them. Each Board will be provided with a 5-member secretarial support composed of duly qualified staff from the Ministry for the Protection of the Citizen who will also have full-time activity in the Board. The members of the Board shall receive an indemnity according to the provisions of article 17 para. 2 (c) of law 3205/2003 (OJ. A-297). The indemnity for the representatives of the United Nations High Commissioner for Refugees shall be disbursed to this agency.

4. The Appeal Boards shall rule on appeals against decisions referred to in article 25 para. 1 (a) above within six (6) months and for all other appeals within three (3) months, in either case from the date the appeal was lodged. They shall function on the basis of the rules of procedure issued by decision of the Minister for the Protection of the Citizen.

5. Each Board shall summon the appellant, who shall be informed at least five (5) days in advance and in a language that s/he understands, of the place and date of the examination of his/her appeal as well as of his/her right to appear before the Board in person alone or with his/her lawyer or other counsellor, to state orally, with the assistance of an interpreter, his/her arguments and to give clarifications or present any additional elements.

7. The decision of the Appeals' Board shall be served to the appellant according to the provisions of article 7 above and shall be notified to the Minister for the Protection of the Citizen. A decision rejecting the appeal shall also set a specified time-frame of no more than ninety (90) days for the applicant's departure from the country.

6. The Minister for the Protection of the Citizen shall have the right to apply for the annulment of the decisions of Appeals' Boards.

CHAPTER E - FINAL PROVISIONS

Article 27 (Articles 37 and 38 of the Directive) Withdrawal of international protection status

1. When new elements arise indicating a reason to reconsider the status of a refugee of beneficiary of subsidiary protection, the Central Authority shall examine whether there is a case for withdrawal of the status on the grounds of the relevant provisions of P.D. 96/2008 and makes a recommendation to the General Secretary of Public Order in the Ministry for the Protection of the Citizen who may, with a duly reasoned decision, revoke the international protection status.

2. Where paragraph 1 is applied, the person concerned shall be entitled:

a. to be informed in writing by the Central Authority, through the competent authority to examine, that it is reconsidering his/her qualification for international protection status and of the reasons for the reconsideration;

b. To put forward reasons as to why his/her status should not be withdrawn in a personal interview or a written statement before the competent authority to examine.

3. In the framework of such a procedure, the Determining Authority, through the Central Authority, shall:

a. obtain precise and up-to-date information, in particular from the Ministry for Foreign Affairs and the United Nations High Commissioner for Refugees, as to the general situation prevailing in the countries of origin of the persons concerned;

b. collect information on the specific case for the purposes of reconsidering the status. Such information shall not be obtained from actors of persecution in a manner that would result in such actors being directly informed of the fact that the person concerned is a refugee or beneficiary of subsidiary protection whose status is under reconsideration, nor jeopardise the physical integrity of the person and his/her dependants, or the liberty and security of his/her family members still living in the country of origin.

4. The decision to withdraw the status granted shall be served in accordance with the provisions of article 7 above. The decision shall state the reasons in fact and in law and provide information on how to challenge it before the Appeals' Board.

5. The provisions of Article 11 paragraphs 2 and 3 and of Article 15 shall also apply to the withdrawal of the status.

6. In derogation from the provisions of the above paragraphs, the international protection status shall lapse automatically if the beneficiary explicitly relinquishes it in a request submitted in person to the competent authorities.

Article 28

Leave to remain on humanitarian grounds

1. The authorities competent to decide may grant an applicant whose application for international protection they have rejected a leave to remain on humanitarian grounds.

2. Such leave to remain on humanitarian grounds is granted to an applicant in particular taking into account the objective impossibility of removal or return of the applicant to his/her country of origin or usual residence due to force majeure, such as serious health reasons of the applicant or of members of his family, international embargo imposed on his/her country, civil war followed by mass violations of human rights, or the fulfillment of the requirements of the *non-refoulement* clause of article 3 of the 1950 European Convention on Human Rights and the Protection of Fundamental Freedoms, ratified by article 1 of L.D. 53/1974 (O.G. A' 256), or of article 3 of the New York International Convention against Torture, ratified by law 1782/1988 (O.G. A' 116).

3. The provisions of article 27 shall apply by analogy for the procedures to revoke or refuse to renew the status of a person granted leave to remain on humanitarian grounds.

4. The applicant who is granted leave to remain on humanitarian grounds shall be provided, free of charge, by the territorially competent authority to examine with a special residence permit for humanitarian grounds, valid for two (2) years. A similar permit is provided to his family members.

5. The holder of such permit is obliged to depart from Greece without further notification by the date of expiration of the validity of the permit unless s/he applies for the renewal of its validity before the authority competent to decide which issued the initial decision at least thirty (30) days before its expiry. The said authority shall rule finally on the renewal of the permit.

6. The rights of persons granted leave to remain on humanitarian grounds are assimilated to those of beneficiaries of subsidiary protection. These rights continue even after the expiry of the relevant permit, if the holder has applied for its renewal and until a decision for this application is taken.

Article 29 (Article 39 of the Directive) **Legal remedies**

An applicant for international protection shall have the right to lodge, before the competent court of justice, an application to annul, pursuant to Article 15 of law 3068/2003 (O.G. A' 274), against a negative decision issued pursuant to the provisions of this Decree. The aforesaid possibility as well as the competent court shall be explicitly stated in the body of the decision

Article 30 (Article 41 of the Directive) **The principle of confidentiality**

The personnel of the competent services which implement the provisions of this Decree shall treat with confidentiality personal information which comes to their knowledge when they are performing their duties or by virtue of their duties

Article 31 (Article 42 of the Directive) **Submission of reports**

The Central Authority shall send to the Commission of the European Union all the information that is necessary for drawing up the report on the application of this Decree

CHAPTER F - TRANSITORY AND REPEALED PROVISIONS

Article 32 **Transitory provisions**

1. The Minister for the Protection of the Citizen with a ministerial decision constitutes special committees, according to the provisions of article 26 above for the Appeal Boards which are competent to decide on:

a. Appeals filed according to the provisions of P.D. 61/1999 (O.G. A' 63) or P.D. 90/2008 (O.G. A' 138) whose examination is still pending.

b. Appeals which were lodged outside the regular limit of time for lodging appeals during the period of validity of P.D. 61/1999 or P.D. 90/2008 and on which the competent authorities have not as of yet taken a decision.

c. Applications for international protection returned to the competent authorities to decide following a ruling of the Council of State.

2. Applicants whose applications have been rejected by virtue of the provisions of P.D. 81/2009 (O.G. A' 99) may, if they have not filed an application to annul before the Council of State, lodge an appeal before the Appeal Boards referred to in article 26 above within an exclusive time-limit of three months following the entry into force of the present Decree.

3. Applicants whose applications have been rejected by virtue of the provisions of P.D. 81/2009 and have filed an application to annul the negative decision before the Council of State, may lodge an appeal before the Appeal Boards referred to in article 26 above within an exclusive time-limit of three months following the entry into force of the present Decree after having withdrawn their application to annul.

4. The competence to rule on the appeals lodged by virtue of the provisions and during the period of validity of P.D. 61/1999, on which the committee set up by virtue of article 3 para. 5 of the said P.D. has given its opinion but which are still pending, belongs to the organs established by virtue of articles 3 and 4 of the said P.D. as they were before being repealed by P.D. 90/2008.

5. Pending applications for international protection lodged by virtue of P.D. 81/2009 shall be referred to the competent authorities to decide established by this Decree if no interview with the advisory committee set up in article 3 of the said P.D. 81/2009 has been conducted; otherwise, the deciding organs established by virtue of P.D. 81/2009, as they were before being repealed shall rule on them and the applicants shall be entitled to appeal as per article 25 above.

6. Pending applications for international protection lodged by virtue of P.D. 90/2008 shall be referred to the competent authorities to examine and to decide established by this Decree if no interview has been conducted; otherwise, the deciding organs established by virtue of this P.D. shall decide.

7. Applications to renew a leave to remain on humanitarian grounds granted under the provisions of article 8 of P.D. 61/1999 which are either pending or have been lodged after the entry into force of this Decree are examined by the General Secretary for Public Order of the Minister for the protection of the Citizen.

Article 33 **Repealed provisions**

The provisions of Presidential Decree 61/1999, 90/2008, 81/2009 and article 5 of P.D. 220/2007 as well as every other general or special provision which is contrary to the provisions of this Decree or which regulates matters which are the object of this Decree shall be repealed as of the entry into force of this Decree, reservation being made on the transitory provisions of this decree.

Article 34 **Entry into force**

The provisions of this Presidential Decree shall enter into force on the date of its publication in the Official Journal.

We assign the publication and execution of this Decree to the Minister for the Protection of the Citizen.

Athens 16 November 2010
THE PRESIDENT OF THE REPUBLIC
KAROLOS PAPOULIAS

The Ministers