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PRESIDENTIAL DECREE NO. 101

Adaptation of the greek legislation to the Directive 2004/114/EC on the conditions of admission of third-country nationals for the purposes of studies or voluntary service.

THE PRESIDENT OF THE HELLENIC REPUBLIC

Having regard to:

1) The provisions of:

a) articles 3 and article 4 of law no. 1338/1983 on the “Application of Community Law” (A’ 34), as article 3 was amended by section 3 of article 6 of law no. 1440/1984 on the “Participation of Greece in the fund, reserves and predictions of the European Investment Bank, in the fund of the European Coal and Steel Community and the EURATOM Supply Agency” (A’ 70) and was replaced by article 65 of law no. 1892/1990 on “The modernisation and development, and other provisions” (A’ 101), as article 4 was replaced by section 4, article 6 of law no. 1440/1984 and amended by article 48 of law no. 3427/2005 (A’ 312).

b) article 31 of law no. 1473/1984 on “Reforms of the direct and indirect taxation and other provisions” (A’ 127), as amended by article 42 of law no. 2214/1994 on the “Objective income taxation system and other provisions” (A’ 75).

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c) article 90 of the Code that was ratified by the first article of the Presidential Decree no. 63/2005 on the “Codification of legislation for the Government and the governmental organs” (A’ 98).

2.The Directive 2004/114/EC of the Council of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service.

3.The article 7 of the joint decision no. 42362/1251/28.9.2007 of the Prime Minister and the Minister of Economy and Finance on the “Definition of powers of the Under-Secretary of Economy and Finance” (B’ 1948).

4.The fact that from the provisions of this Presidential Decree and especially from those of article 4 sect.4, there is an expenditure in the budget of the proper Higher Education Establishments (Public Law Legal Entities, subsidized by the State Budget), the amount of which (expenditure) depends on the actual facts (number of third-country nationals to whom a residence permit is issued for purposes of studies, any medical-pharmaceutical care provided, etc) and therefore, it may not be determined. The above expenditure shall be covered by the related credits of the budget of the appropriate establishments.

Furthermore, expenditure from the application of the provisions of article 10 is likely to be incurred in the budget and the budget of the public sector organisation that may implement programmes of voluntary service. Such expenditure that may not be assessed, since it depends on the actual facts (number of admissions, duration of courses, any medical-pharmaceutical care provided, etc) shall be

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covered by the credits that shall be entered to this end in the budget of the appropriate ministries and public sector organisations, as the case may be.

5.The expert opinion no.122/2008 of the State Council, upon recommendation of the Ministers of the Interior, Economy & Finance, Foreign Affairs, National Education and Religious Affairs, Employment and Social Protection, and Culture, we decide:

CHAPTER A
GENERAL PROVISIONS

Article 1

(article 1 of the Directive)

Purpose

1.The purpose hereof is to adapt the greek legislation to the Directive 2004/114/EC of the Council of 13 December 2004 “on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service (EE L 375/12 of 23.12.2004).

2.The conditions of admission and residence of third-country nationals in the Greek Territory for a period of more than three months, for the purpose of studies or voluntary service, and the rules that regard the procedures of admission and residence of third-country nationals in the Greek Territory for such purposes, are determined herewith.

Article 2

(article 2 of the Directive)

Definitions

For the purposes of this Presidential Decree:

1.“third-country national” means any natural person who is not a Greek citizen or a citizen of another member state of

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the European Union within the meaning of article 17, section 1 of the Treaty of the EC.

2.“student” means a third-country national admitted by an establishment of higher education and admitted to the greek territory to pursue as his/her main activity a full-time course of study leading to a diploma, master or doctoral degree issued by such establishment. Within the meaning of studies, the preparatory course is included, provided it is stipulated by the legislation in force, as part of such studies.

3.“establishment” means an establishment of higher education, lawfully founded, whose course of studies is recognised by the legislation in force.

4.“voluntary service scheme” means a programme of activities of practical solidarity, based on a state or a community scheme, pursuing objectives of general interest.

5.“residence permit” means any authorisation issued by the Greek authorities allowing a third-country national to stay legally in the Greek Territory, in accordance with the provisions of article 1, section 2, item a) of regulation (EC) no. 1030/2002 of the Council of 13 June 2002 on “the institution of a uniform format for residence permits for third-country nationals” (EE L 157/15.6.2002).

Article 3

(articles 3 and 4 of the Directive)

Scope

1.This shall apply to third-country nationals who apply to be admitted to Greece for the purpose of studies or voluntary service.

2.This Presidential Decree shall not apply to:

a.third-country nationals residing in Greece as asylum-

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seekers, or under subsidiary forms of protection or under temporary protection schemes, in accordance with the international requirements or the national legislation, or apply for residence for these reasons and expect the issue of a decision in relation to their status,

b.third-country nationals whose expulsion has been suspended,

c.third-country nationals who are family members of European Union citizens who have exercised their right to free movement within the Community, in accordance with the legislation in force,

d.third-country nationals who enjoy long-term resident status in a Member State of the European Union and apply for admission and residence in Greece in accordance with section 1, items c and d, article 13 of the p.d. 150/2006 (A' 160) on the "Adaptation of the greek legislation to the Directive 2003/109/EC of 25 November 2003, in relation to the status of third-country nationals who are long-term residents,

e.third-country nationals that have obtained a residence permit to work or to self-employment in accordance with the provisions of law no. 3386/2005 on the "Admission, residence and social integration of third-country nationals into the Greek territory" (A' 212), as in force.

3.This Presidential Decree shall be without prejudice to more favourable provisions of:

a.bilateral or multilateral agreements between the Community or the Community and its member states and one or more third countries,

b.bilateral or multilateral agreements between the Hellenic

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Republic and third countries.

CHAPTER B
CONDITIONS OF ADMISSION AND RESIDENCE

Article 4

(articles 5, 6 and 7 sect.2 of the Directive)

General conditions of the right to reside with the purpose
of studies or voluntary service

1.The admission and residence of a third-country national in accordance with the provisions hereof, is subject to the verification of documentary evidence showing that he/she meets the conditions laid down in the following section of this article and the respective conditions of the following articles.

2.A third-country national shall be admitted to reside in Greece with the purpose of studies or voluntary service, provided the following general conditions are met:

a.he/she holds a passport or other travel document recognised by Greece, the validity period of which lasts at least three months after the expiry of the visa, and he/she has obtained a visa for the purpose of studies or voluntary service,

b.he/she presents the authorisation of the parents or the guardians for the planned stay if he/she is below 18 years old,

c.he/she has sickness insurance in respect of all risks normally covered for its own nationals,

d.he/she is not regarded as a threat to public policy, public security and public health,

e.he/she provides proof that he/she has paid the fee for

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processing the application on the basis of article 92 of law no. 3386/2005, as in force.

3.As regards the third-country nationals who participate in community programmes enhancing mobility towards or within the European Community, within the context of these programmes, and who wish to enter and stay in the Greek territory, the admission procedure is facilitated for the timely issue of the required visas and residence permits.

4.Any students who do not automatically qualify for sickness insurance in respect of all risks normally covered for the nationals as a result of enrolment at an establishment shall be presumed to meet the condition of item c, section 2 of this article.

Without prejudice to the special provisions hereof, the service who is competent to examine the applications for residence permits herein is the Aliens and Immigration Service of the appropriate District. The application shall be submitted to the services determined in law no. 3386/2005, as in force.

Article 5

(articles 7 and 20 of the Directive)

Issue of residence permit for purposes of studies

1.A third-country national who has obtained the special visa for studies in Greece, shall submit an application, in accordance with section 4 of the previous article hereof to the competent service, provided the following conditions concur cumulatively, in addition to the general conditions of article 4:

a.has been accepted by an establishment of higher education to follow a course of study,

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b.has sufficient resources to cover his/her subsistence during his stay,

c.has sufficient resources to cover his/her return travel costs,

d.has paid the fees charged by the establishment, if required.

2.If the course of study that a third-country national shall attend requires a sufficient knowledge of the greek language as a condition of his/her enrolment, the appropriate establishment shall make the necessary verifications prior to the issue of the certificate stipulated in case a, article 17 of the decision no. 3497.3/550/ΑΣ 4000 of the Minister of Foreign Affairs on the “Determination of conditions of evidence and procedure of issue of national visas” (B’ 1912), to issue the respective national visa, as in force.

3.The application under section 1 of this article is accompanied by the following evidence:

a.true copy of all the pages, of a valid passport or other travel document recognized by Greece with the national visa, if required,

b.health certificate issued by a Greek state hospital certifying that the third-country national does not suffer from a disease which in accordance with the international data and the World Health Organisation (WHO) may be regarded as a threat to public health,

c.certificate of enrolment in the appropriate establishment, or certificate of admission and fee of enrolment and certificate of payment, if required so,

d.evidence proving that he/she has sufficient resources to cover his/her study and subsistence costs, as stipulated in the decision no. 4415/2006 of the Ministers of the Interior,

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Public Administration and Decentralisation, Economy and Finance, Foreign Affairs, National Education and Religious Affairs and Employment and Social Protection on the “Determination of amount and mode of evidence of sufficient resources stipulated as a condition in the provisions of law no. 3386/2005” (B’ 398), as in force,

e.evidence that he/she has sufficient resources to cover the return travel costs as they are determined in accordance with the decision of the Ministries of the Interior, Public Administration and Decentralisation, Economy & Finance, and Public Policy stipulated in section 2, article 90 of law no. 3386/2005, as amended by section 2, article 17 of law no. 3536/2007 on “Special regulations of immigration policy and other issues that fall into the power of the Ministry of the Interior, Public Administration and Decentralisation” (A’ 42).

f.certificate that an application has been submitted to an insurance organisation to cover the hospitalization and healthcare costs or copy of the healthcare booklet, if issued,
g.authorisation of the parents or guardians for the planned stay, in case of minors,

h.evidence of fee payment in accordance with the provisions of sect.1 article 92 of law no. 3386/2005, as in force,

i.three (3) coloured photographs.

4.The application with the relevant file is processed as to completeness and is forwarded to the Aliens and Immigration Service of the appropriate District, no later than fifteen days following submission.

At the time of submission of the application and provided the necessary evidence is complete, a third-country national

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is issued with a relevant certificate of submission, attesting that he/she resides in the Country lawfully, until the Administration decides on his/her request.

After taking into account the opinion of the appropriate police authority in relation to issues of public policy and public security of the Country, the Aliens and Immigration Service of the appropriate District examines whether the conditions under article 4 and this article are met, and issues a relevant decision on the issuing of the residence permit for studies or rejects the application.

Article 6

(articles 12 and 20 of the Directive)

Duration and renewal of the residence permit for the purposes of studies

1.The residence permit for studies is valid for one year and is renewable for one more year, provided the conditions of articles 4 and 5 hereof are met. If the duration of the course of study is less than one year, the permit shall be valid for the duration of the course.

2.a.A third-country national may apply for a residence permit for studies with the same duration as that of the higher education studies in a specific course of study. In this case, at the time of submission of the application, the student shall produce a supplementary certificate from the appropriate establishment for the whole time of studies at the course that he/she shall attend.

b.To issue the above residence permit, a fee of one hundred fifty (150) euros shall be paid for every year for which a residence permit is issued for studies. The fee shall be paid in accordance with the procedure described in article 92 of

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law no. 3386/2005, as in force.

c.A student holding a residence permit valid for a period equal to the maximum duration of the course of study, is required to submit to the Aliens and Immigration Service of the appropriate District, every two years, a certificate of enrolment and participation in the examinations, issued by the appropriate establishment, and a certificate of transcript of marks for the same period, from which his general progress results, or a detailed progress report issued by the competent organisation, in case of a master or doctoral thesis. If the above obligation is not fulfilled within two months as of the date of expiry of the two years period following the issue of the residence permit, the permit is withdrawn and the student has to leave immediately the Greek territory with no further formalities.

3.To renew the residence permits described in previous sections, a third-country national has to submit an application, prior to their expiry, to the competent service of application submissions, in accordance with section 4 article 4, which shall be accompanied by the following evidence:

a.true copy of all the pages of valid passport or other travel document recognized by our Country and of the previous residence permit for studies,

b.certificate of enrolment and participation in the examinations, issued by the appropriate establishment,

c.certificate of transcript of marks showing the general progress, or a detailed progress report issued by the competent organisation, in case of a master or doctoral thesis,

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d.certificate from the proper insurance organisation to cover the hospitalization and healthcare costs, or copy of the healthcare booklet,

e.evidence proving that he/she has sufficient resources to cover the studies and subsistence costs, as they are determined in the decision no. 4415/2006 of the Ministries of the Interior, Public Administration and Decentralisation, Economy & Finance, Foreign Affairs, National Education & Religious Affairs and Employment & Social Protection on the Determination of the amount and mode of evidence of sufficient resources stipulated as a condition in the provisions of law no. 3386/2005, as in force,

f.evidence of fee payment under item b) sect.2 hereof in accordance with the provisions of sect.1 article 92 of law no. 3386/2005, as in force,

g.three (3) coloured photographs.

4.The application with the relevant file is processed as to completeness and is forwarded to the Aliens and Immigration Service of the appropriate District, no later than fifteen days following the submission.

At the time of submission of the application and provided the necessary evidence is complete, the third-country national is issued with a relevant certificate of submission, attesting that he/she resides in the Country lawfully, until the Administration decides on his/her request.

The Aliens and Immigration Service of the appropriate District processes the application and issues a relevant decision on the issuing of a residence permit for studies or rejects the application.

5.The total time of renewal of a residence permit may not

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exceed the maximum duration of studies prescribed by the appropriate provisions, increased by 100% for the undergraduate students and by half for postgraduate and applicant doctoral students. During that period, one more year is added for the learning of the greek language, provided it has been requested by the appropriate establishment.

Article 7

(article 8 of the Directive)

Mobility of students

1. Without prejudice to article 12 and section 1 of article 14, a third-country national who has already been admitted as a student in another member state of the European Union and applies to follow part of the studies already commenced or to complement them with a related course of study in Greece, shall be admitted within a period that does not hamper the pursuit of the relevant studies, whilst leaving the competent authorities sufficient time to process the application, if he/she:

a. meets the conditions laid down in articles 4 and 5 hereof, save the condition of special visa. In these cases, only a visa is required in accordance with the Regulation (EC) No. 539/2001, as in force,

b. submits a certificate of the circle of studies followed that also show whether the first course of study is similar and complements the second course of study,

c. participates in a community or bilateral exchange programme or has been admitted as a student in another member state for no less than two years.

2. The residence permit of section 1 hereof is issued and

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renewed, provided the conditions are met and in accordance with the procedure of articles 4, 5 and 6 hereof, respectively.

3. At the time of submission of the application for a residence permit under section 1 hereof, the student shall submit the following supplementary evidence:

a. true copy of the residence permit for studies he/she holds in another member state of the European Union,

b. certificate of the establishment of another member state of the European Union for the circle of studies followed, and for the complementary or similar character of the above circle of studies with the course he/she shall attend in Greece,

c. certificate of the implementation authority of the respective course for his/her participation in the community or bilateral exchange programme or certificate of the competent authorities of a member state of the European Union that he/she has been admitted to it as a student for a period of no less than two years.

4. The condition of item c section 1 hereof does not apply if the student, within the framework of his course of study, is required to attend part of his/her studies in an establishment of another member state. In this case, the certificate under item c of previous section hereof is replaced by a certificate of the establishment of the other member state of the European Union, certifying the compulsory attendance of part of the course of study in Greece.

5. If a third-country national who holds a residence permit for studies in Greece submits an application to another member state, by virtue of this article, the competent greek authorities shall forward, at the request of the member state

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to which he/she has submitted an application, the appropriate information in relation to the stay of the student in the Greek territory.

Article 8

(article 17 of the Directive)

Economic activities by students who are third-country nationals

Third-country nationals that have obtained a residence permit for the purposes of studies, according to the presents, may work part-time only, in accordance with the respective provisions of the legislation in force. In any case, the number of hours per week may not be less than ten hours, or the equivalent in days or months per year. To this end, the third-country national concerned is issued with the authorisation of the District, after showing his/her residence permit. The period of validity of the above authorisation shall correspond to the duration of the residence permit and may be renewed parallel to that.

Article 9

(article 19 of the Directive)

Fast-track procedure for issuing residence permits to postgraduate students

1.The Country's establishments of higher education operating master's courses of studies may conclude agreements for the fast-track procedure for issuing residence permits to postgraduate students who are third-country nationals, with the Ministry of the Interior, provided special grounds concur and on the following terms:

a.The duration of the postgraduate course of study is above three (3) years.

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b.The conditions of articles 4 and 5 hereof for issuing residence permits within the framework of such agreements are met.

The fast-track procedure agreements include the exact title of the master's course and the special reasons that concur for the conclusion of agreement, the period of validity and the possibility of renewal, and the obligations of the contracting parties are mentioned.

2.a.For the conclusion of fast-track procedure agreement, the Ministry of the Interior is represented by the head of the Immigration Policy Directorate, Directorate General for Immigration Policy and Social Integration, and the establishment of higher education is represented by its legal representative,

b.The applications for the issuing of residence permits under this article shall be submitted to the above Directorate of the Ministry of the Interior and the relevant provisions shall be issued by decision of the appropriate Minister,

c.The competent Directorate of the Ministry of the Interior shall issue residence permits, provided the conditions hereof are met, within a period of twenty (20) days as of the date of receipt of the application with all evidence.

3.The establishment of higher education provides information, in any available mean, to the Greek consular authority of the country from which a third-country national shall enter about the fast-track procedure agreement that has concluded according to the aforementioned.

Article 10

(article 11 of the Directive)

Issue of residence permit for voluntary service

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1.A third-country national who has been admitted to a voluntary service scheme, with a duration of more than three months, shall be admitted for stay in Greece, provided he/she has taken a special visa to this end. To be issued with a residence permit, a third-country national shall submit an application to the competent service, without fee payment being required for that purpose, provided the following conditions concur, in addition to the general conditions of article 4:

a.he/she has attained the age of 18 years,

b.he/she has concluded an agreement with the organisation implementing the voluntary service scheme in which he/she participates, by which the above implementation organisation accepts full responsibility for him/her as regards his travel, subsistence, accommodation, return travel and healthcare costs and any other cost that may arise throughout the stay of the volunteer in Greece, including any training he/she will receive to help him/her perform his/her service and which shall also include a description of his duties, the terms of their performance and the hours of work,

c.the organisation implementing the voluntary service has concluded an insurance policy of civil liability, for any claim for damages brought forth by the volunteer at the expense of the same or third parties, throughout the provision of voluntary service.

2.Provided all the conditions of article 4 and section 1 hereof are met, a third-country national shall submit an application to the service, in accordance with section 4 article 4 hereof, for the issuing of a residence permit for voluntary service to the competent service for this purpose,

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which shall be accompanied by the following evidence:

a.true copy of all the pages of valid passport or other travel document recognised by our Country with a visa

b.a solemn declaration that the organisation responsible for the voluntary service scheme accepts full responsibility for him/her as regards his travel, subsistence, accommodation, return travel and healthcare costs and any other cost that may arise throughout the stay of the volunteer in Greece, including any training he/she will receive to help him/her perform his/her service and which shall also include a description of his duties, the terms of their performance and the hours of work,

c.a copy of the insurance policy of civil liability concluded by the organisation responsible for the voluntary service scheme for any claim for damages brought forth by the volunteer at the expense of the same or third parties, throughout the provision of voluntary service,

d.three (3) coloured photographs.

3.The application with the relevant file are processed as to completeness and are forwarded to the Aliens and Immigration Service of the appropriate District, no later than fifteen days following submission.

The above Service requests for the opinion of the appropriate police authority on issues that regard public policy and public security of the Country and after taking into account the above opinion, it examines whether the conditions as per section 1 of this article are met, and issues a relevant decision issuing a residence permit for voluntary service or rejects the application.

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Article 11

(article 15 of the Directive)

Duration and renewal of residence permits to volunteers

1.A residence permit issued to volunteers shall be issued for a period of no more than one year.

2.In exceptional cases, if the duration of the relevant programme is longer than one year, the duration of the validity of the residence permit may correspond to the period of implementation of the said programme.

3.A residence permit to volunteers may not be renewed for any of the other reasons provided for in the legislation in force.

4.After the expiry of his/her residence permit, the volunteer has to leave immediately the Greek territory, with no further formalities.

CHAPTER C

COMMON PROVISIONS

Article 12

(articles 12 and 16 of the Directive)

Withdrawal or non-renewal of residence permits for studies
or voluntary service

1.A residence permit issued in accordance with the provisions hereof, may be withdrawn or not renewed in the following circumstances:

a.if there is a threat to public policy and security. The examination of the grounds regarding the public policy and public security of the Country is a prerequisite at the time of initial issuing and renewal of residence permits. To process the applications, the competent services are required, at the end of every month, to send to the local

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police directorates or security directorates of the Greek Police, lists with the exact particulars of third-country nationals, whose residence permits were issued or renewed. The concurrence of threats to public policy and public security resulting after the issuing of the initial residence permit or its renewal, constitute a ground of withdrawal,

b.if there is a threat to public health. The only diseases that can justify the withdrawal or the non-renewal of a residence permit are those stipulated by the World Health Organisation, and other infectious, contagious or parasitic diseases imposing the taking of measures for the protection of public health. If, after the issue of the initial residence permit, it is found that the person concerned suffers from a disease from which he/she was infected following his/her entry into the Country, this is not a ground for not renewing his/her residence permit or for removing him/her from the Country,

c.if the terms laid down herein are not met or no longer met,

d.if there is evidence, upon final court order, that fraudulent or misleading information, false or forged documents were used, that a fraud was committed in any manner or other illicit means were employed.

2.Without prejudice to section 1, a residence permit for the purposes of studies may be refused or withdrawn if the holder:

a.does not respect the limits stipulated by the appropriate legislation on part-time status at the time of exercise of his/her economic activities,

b.does not make acceptable progress in his/her studies.

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Article 13

(article 24 of the Directive)

Rights and obligations

1. In any case, the purpose of the holders of a residence permit for studies or voluntary service may not change.

2. Without prejudice to the second paragraph of section 2, article 4 of the Presidential Decree 150/2006 on the “Adaptation of the greek legislation to the Directive 2003/109/EC of 25 November 2003, in relation to third-country nationals status who are long-term residents”, the time during which the third-country nationals have resided in the Greek territory as students or volunteers, in accordance with the provisions hereof, is not taken into account for the purpose of granting further rights to such persons.

3. A holder of a residence permit according to the provisions hereof, is subject to the general rights and obligations of third-country nationals, as regulated under the provisions of law no. 3386/2005, as in force.

4. Any children born in Greece from parents who hold a residence permit for studies in accordance with the provisions hereof, notwithstanding the effective provisions of legislation on the family reunion of third-country nationals, an individual residence permit is issued in their capacity as members of the student’s family, expiring at the same time as the residence permit of their parents or of one of their parents. For the above permit no fee is required in accordance with the provisions of sect.2 article 56 of law no. 3386/2005, as replaced by article 13 of law no. 3536/2007.

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Article 14

(article 18 of the Directive)

Procedural guarantees-Recourse right

1.A decision to issue or renew a residence permit, by virtue hereof, shall be issued and notified to the person concerned according to the provisions of articles 4, 16, 17 and 19 of law no. 2690/1999 (A' 45), as in force.

2.A decision rejecting an application to obtain or renew a residence permit, issued by virtue hereof, has to be justified, in accordance with article 17 of law no. 2690/1999, as in force.

3.A redress application may be filed against decisions issued by virtue hereof, under article 24 of law no. 2690/1999, as in force.

4.A cancellation application may be filed before the competent administrative court against a decision rejecting, withdrawing or refusing to renew an application for a residence permit, in application of the provisions of article 15 of law no. 3068/2002 (A' 274), as in force.

CHAPTER D

FINAL PROVISIONS

Article 15

Abolished provisions

As of the date the presents were entered into force, any general or special provision contrary to arrangements or treating the issues that are subject matter of it otherwise, shall be abolished.

Article 16

Entry into force

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The provisions hereof shall enter into force on 12.1.2007, save those stipulating the enforcement of sanctions, which shall enter into force following its publication in the Official Gazette.

The Minister of the Interior is assigned the publication and execution hereof.

Athens, 29 July 2008

THE PRESIDENT OF THE REPUBLIC
KAROLOS GR. PAPOULIAS

THE MINISTERS OF

THE INTERIOR
P. PAVLOPOULOS

ECONOMY & FINANCE
G. ALOGOSKOUFIS

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