



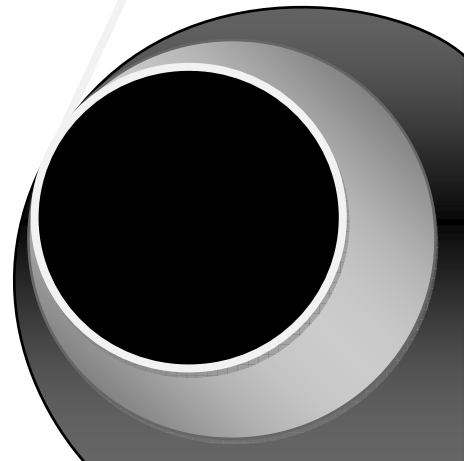
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**The HELLENIC OPEN BUSINESS
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AIMS AND SCOPE

The *HELLENIC OPEN BUSINESS ADMINISTRATION Journal* is published two times a year and focuses on applied and theoretical research in business Administration and economics.

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***The HELLENIC OPEN BUSINESS
ADMINISTRATION JOURNAL***

EDITOR'S NOTE

The *HELLENIC OPEN BUSINESS ADMINISTRATION Journal* is concerned with theory, research, and practice in business administration and economics (in its wider sense encompassing both private and public sector activities of profit-seeking ventures, as well as of governmental, private non-profit, and cooperative organisations) and provides a forum for academic debate on a variety of topics which are relevant to the journal's central concerns, such as:

- Administration of Businesses and Organizations
- Marketing
- Public Administration and Policy
- Accounting
- Financial Management
- Total Quality Management
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- European Business
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- Quantitative Methods

➤ Labour Economics

The *HELLENIC OPEN BUSINESS ADMINISTRATION Journal* also publishes special issues. A special issue focuses on a specific topic of wider interest and significance, which is announced through relevant call for papers.

The journal was established in 2014 following the completion of the HELLENIC OPEN BUSINESS ADMINISTRATION International Conference.

The *HELLENIC OPEN BUSINESS ADMINISTRATION Journal* (The HOBA Journal) is published two times a year, in January and July. These two issues constitute one volume. One or more issues may focus on a specific topic of wider interest and significance, which is announced through relevant call for papers.

The editorial process at The HOBA Journal is a cooperative enterprise. Articles received are distributed to the Editor for a decision with respect to publication. All articles are first reviewed to be judged suitable for this journal. The Editor arranges for refereeing and accepts and rejects papers or, alternatively, forwards the papers to a member of the Board of Editors. The member of the Board of Editors, then, arranges for refereeing and accepts or rejects papers in an entirely decentralized process. In any case, each submission is sent to two referees for blind peer review and the final decision is based on the recommendations of the referees. The referees are academic specialists in the article's field of coverage; members of the Board of Editors and/or members of the Editorial Advisory Board may act as referees in this process. Only when a paper is accepted for publication it is sent again to the Editor. Subsequently, the Editor sends the finally accepted paper to The HOBA Journal office for final editing and typesetting.

The Editor or the member of the Board of Editors who coordinates the decision with respect to publication of an article may send an article for refereeing to member(s) of the Editorial Advisory Board or cooperate with one or more of them to jointly assign referees who have some substantive knowledge of the topic and research in the relevant field and, finally, to jointly decide whether to accept or reject a paper.

The Editor, the members of the Editorial Board, and the members of the Editorial Advisory Board come from a breadth of fields designed to cover the largest

substantive areas in economics and business administration from which we expect to receive submissions.

The above outlined co-editing process has major advantages. First, it is helpful in the assignment of referees and in the decision whether to publish a submission. Second, it avoids the apparent conflict of interest that results when an Editor handles a colleague's article. As a general rule the Editor and the members of the Board of Editors never assign papers written by authors at the same institution.

Finally, it provides an efficient way to handle about 200 submissions annually.

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While the Journal seeks to publish papers, which are academically robust, hence the rigorous review process (double blind peer review), it also seeks to publish papers that communicate effectively. It is interesting, well written and, therefore, readable papers that really contribute to the area of interest. Articles submitted should, therefore, keep technical jargon and statistical formulae within papers to a minimum and always aim to present material, however complex, simply and clearly.

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THE HELLENIC INTERNAL SECURITY SYSTEM IN COMBATING ORGANIZED CRIME. THE CASE OF THE HELLENIC COAST GUARD

Tryfon KORONTZIS

Abstract

Organized crime has a global character and is one of the most serious threats in the modern societies for decades. This phenomenon because of the characteristics that govern modern societies and economies, namely globalization, transnational flows, reduction of distances due to the technology evolution has taken international dimensions. These evolutions help the development of international profitable illegal activities. Organized Criminal Groups (OCG) are operating simultaneously in more than one countries internationalizing with that way crime, making difficult and painful its effective and comprehensive combat. Besides the international character of modern organized crime, an additional problem is the modernization of mode and methods of action that are used by criminal groups.

Keywords: Hellenic Coast Guard (HCG), organized crime, internal security, ministry of Shipping, Maritime Affairs and the Aegean (MSA), Law Enforcement Agencies (LEAs), Hellenic Police (HP), Finance and Economic Crime Unit (SDOE), Organized Criminal Groups (OCG)

JEL Classification Codes: K42- Illegal Behavior and the Enforcement of Law

INTRODUCTION

The initial and basic mission of the state (Korontzis, T. 2012 pp 77-85) and its cardinal purpose was and still is the protection of the society from internal and external risks. This protection is guaranteed by institutions which have been set up by the state.

Each institution as is been known, is governed by structures, that have specific functions related to its internal organization and administration as also according to the specific mission which is called to perform in accordance with the constitution and the existing legal framework.

The Hellenic geopolitical reality includes the following characteristics:

a. Extensive Hellenic coastline (almost 18 400 km) - the second longest in Europe (after Norway) - which is more or less equal to two thirds of Africa's perimeter.

b. Existence of numerous islands creating a space accessible from many directions.

c. Proximity to the Turkish coastline that provides organized crime groups with opportunities to organize 'transfers' of different commodities.

d. Intense maritime traffic of all kind of vessels in the Aegean, Ionian and Cretan seas.

e. The extensive land borders with Albania (246 km), former Yugoslav Republic of Macedonia (245 km), Bulgaria (476 km) and Turkey (203 km) total 1170 km.

f. Hellas is between two continents (Asia and Europe) and is a contact point between the Black Sea and Mediterranean Sea, East Mediterranean and West Mediterranean Sea, is near to the Suez canal and to the Middle East.

Taken under consideration the above the purpose of this briefly study is the description and the critical approach of the Hellenic internal security system in combating organized crime (OCG operating in various criminal activities like smuggling of immigrants, smuggling tobacco, drug trafficking etc) (Korontzis, T. 2012 pp 210-227) (Korontzis, T. 2012 pp 27-29) (Korontzis, T. 2013 pp 1128-1151) the concept of organized crime according to international and national legislation and the institutional role that Hellenic Coast Guard (HCG) performs, particularly its mission and organization (Korontzis, T. 2012 pp 37-57) (Korontzis, T. 2011 pp 58-72) (Korontzis, T. 2010 Kingston University) the subject and primarily the range of competences in which is involved in internal security and the results of its activation. In this concept also will be mentioned shortly the role of EU agencies in this effort like Frontex, Europol and Eurojust (Korontzis, T. 2013 pp 4-20).

LAW ENFORCEMENT AGENCIES IN HELLAS

Mission and structure of the HCG

The mission of the HCG is the law enforcement in areas and places in where lies its competence. Specifically the mission of the HCG includes:

a. - Ensuring public order, including the exercise of general police and traffic police (Korontzis, T. 2012 pp 42-45) (Korontzis, T. 2012 pp 2251-2264) (Korontzis, T. 2009 pp 75-96).

b. - The prevention and suppression of crime and particularly organized that includes exercise public and state security (Korontzis, T. 2012 pp 85-105).

c. - The organization of the conditions for safe navigation (Korontzis, T. 2012 pp 1410-154) (Korontzis, T. 2012 pp 183-191) (Korontzis, T. 2012 pp 704-719).

d. - Search and rescue at sea (Korontzis, T. 2012 pp 89-110).

e. - The protection of the marine environment (Korontzis, T. 2012 pp 73-87) (Korontzis, T. 2009 pp 77-90) (Korontzis, T. 2008 pp 60-74) (Korontzis, T. 2007 pp 8-41) (Korontzis, T. 2007 pp 85-97).

f.-The measures for monitoring the performance of policing and control of maritime borders (Korontzis, T. 2013 pp 1360-1380).

g. -The ensure of the compliance with the enforcement of maritime safety rules for ships and port facilities, as also the conditions of vessels safe operation, according to the institutional framework in place each time, as the International Code of Safety of Ships and Port Facilities (ISPS), ratified by Law (L) 1045/1980 (A' 95) as the last has been modified till today and the International Safety Management Code (ISM), ratified by L 1045/1980 (A' 95), as has been amended till today (Korontzis, T. 2011, pp 65-81).

h. The control of implementation requirements on vessels crew (Korontzis, T. 2010, pp 55-68) (Korontzis, T. 2006 pp 87-118).

The jurisdiction of the HCG extends at sea, vessels and to all kind of crafts, ports and land area of these, as also to other terrestrial, coastal and marine areas such as the concepts of these terms shall be determined particularly in Law Decree (LD) 444/1970 (A' 39), L 2971/2001 (A' 285), L 2242/1994 (A' 162), article 12 of L 2289/1995 (A' 27) or other special provisions.

As for its character, the HCG is an armed security force, militarily organized, the personnel of which have the status of the military under the Hellenic Military Penal Code (Korontzis, T. 2012 pp 174-185) (Korontzis, T. 2012 pp 2096-2113) (Korontzis, 2009, pp 75-96). The HCG has a total of 10 242 staff members.

For the implementation of its competence and to perform its task HCG is composed by Regional Administrations and 183 Port Police Authorities.

In accordance with Articles 158-163 of Chapter III "Judicial Police" [LD 187/1973 (A' 261)], tasks of general investigators in connection with crimes committed in the areas of HCG jurisdiction have been assigned to its staff from the rank of warrant officer and above (Korontzis, T. 2011, pp 52-54) (Korontzis, T. 2011 pp 103-116) (Korontzis, T. 2012 pp 76-93). In order to fulfill its mission within the new design was established the HCG headquarter in the ministry of Shipping, Maritime Affairs and the Aegean (MSA) as the highest executive office. Through the Headquarters, the Chief of the HCG assist the Minister and the Secretary of the ministry of the MSA in exercising their functions. Headquarter is setting up by six (06) branches and twenty six (26) divisions. Main staffs are also the Deputy Chiefs and the General Inspectorate of the HCG [L 4150/2013 (A' 102)] (Korontzis, T. 2012 pp 61-75) (Korontzis, T. 2009 pp 31-57) (Korontzis, T. 2005 pp 93-112) (Korontzis, T. 2012 pp 14-15) (Korontzis, T. 2012 pp 56-57) (Korontzis, T. 2010 pp 33-35) (Korontzis, T. 2003 pp 78-79).

The sectors which reflect the philosophy of the new mission of the HCG and which were established by the Headquarters are:

- a. - Operation branch (consisting of six divisions).
- b. - Administration, Management and Education branch (consisting of three divisions).
- c. - Infrastructure and Support branch (consisting of four divisions).
- d. - Security branch (consisting of five divisions).
- e. - Police and Order Branch (consisting of three divisions)
- f. - Navigation Safety Branch (consisting of five divisions).

The organization of services was determined according to the provisions of PD 67/2011 (A' 149). Headquarters important role in carrying out the security competences is playing the Security branch composed by the following five divisions:

- A. Division of State Security.

B. Division of Public Safety.

C. Division of Sea Border Protection.

D. International Police Cooperation Division.

E. Division of drugs and tobacco smuggling prosecution (Articles 18-22 PD 64/2011) (Korontzis, T. 2013 ISBN 978-608-4642-10-7 vol. I, pp 193-208).

Specifically:

A. - The exercise of public security includes:

a.-The prosecution of crimes against life, personal liberty, property and property rights.

b.- The prosecution of smuggling and looting the crimes under Articles 187 and 187A of the Hellenic Penal Code and in particular the prosecution of illegal use and trafficking of drugs, cyber crime and money laundering.

c. - The search and arrest of persons who are persecuted.

d. - The search for missing persons and articles lost or stolen.

e. - The gathering and use of information pertaining to issues of public security (Korontzis, T. 2012 pp 8-9).

f. - Dealing with incidents of piracy in the sea of competence (Korontzis, T. 2011 pp 75-93).

B. – The exercise of state security includes:

a. - Protecting the state and the democratic regime by any undermining action.

b.-To prevent and to combat violence and terrorism.

c. - The control of compliance relating to weapons and explosives

d. - Monitoring of compliance with the provisions relating to the movement, residence and work of aliens in the country and in particular to combat the illegal immigration.

e. The gathering and use of information pertaining to matters of state security and national interest in general.

C. - The exercise of policing sea borders includes:

a. The organization of police action and control of maritime borders to tackle illegal immigration and cooperation with other competent authorities and agencies in the country for this purpose (Korontzis, T. 2010, <http://www.setha.mil.gr/main.php?action=diatribes>).

b. The participation and cooperation with relevant services of the European Union, third countries and international organizations on the design and implementation of joint operational action in addressing illegal immigration and protecting the maritime borders of the country and participation of HCG in similar actions in other member countries of the European Union (Korontzis, T. 2011, pp 50-51).

c. The prevention and the treatment of any illegal activity (Korontzis, T. 2005, pp 93-112).

The compose of the new branch and the subjection of five (05) divisions in order to be combated specific types of crime applied for the last four years in Hellas. It must be noted that before the establishment of HCG Headquarters the tasks of the divisions were enforced only by one division, the security division (PD 242/1999).

HCG in combating illicit tobacco trade

It is estimated that 11.6% of all commercial cigarettes are smuggled. This amounts to some 657 billion cigarettes each year. The resulting global tax evasion is an estimated US\$ 41 billion. Cigarette smuggling is an activity of increasing interest to criminal groups due to the fast and significant profits, and the low penalties if arrested.

Smugglers exploit an 'in transit' system used in free trade zones and other shipping centres, where taxes are temporarily deferred while the load is on its way to a third country. Due to a lack of strict checks, loads change hands many times and become 'lost' on the way without ever reaching the predetermined destination and hampering detection by the competent authorities.

At sea the 'mother vessels' offload cigarettes into smaller speedboats which carry them to shore. There have been instances where crew members of these small boats have used thermal cameras to identify other vessels and to try to avoid detection. Crew members have also attempted to evade capture by

shooting or trying to ram patrol vessels. Within Hellenic territory, vessel crews who have been arrested are predominantly Ukrainian nationals.

Vessels load contraband cigarettes primarily from China, United Arab Emirates, Vietnam, Malaysia, Russia, and Singapore. The major transfer points are the Middle East, the United Arab Emirates, Dubai, Egypt and Cyprus (part of the loading occurs in the occupied port of Famagusta). In the Balkans, the cargo is reloaded onto trucks or cars crossing the borders of the European Union destined for EU Member States that have with high tobacco taxes, such as the Nordic countries, Germany, Spain, United Kingdom and Ireland.

Cigarette smuggling is also undertaken by small groups of people carrying small quantities of cigarettes in their personal luggage. The size of the loads vary depending on the means of transport (bus, train or boat).

The smuggled cigarettes are of three types:

a) Real cigarettes from large multinational companies entering the black market to be sold illegally

b) 'Cheap white' cigarettes manufactured at low cost in the production country and smuggled

c) Counterfeit cigarettes ('monkey').

To combat the illicit tobacco trade the HCG has land, sea and air resources. The results of checks at sea and in ports, particularly at the ports of Patras and Igoumenitsa that are the main gates to EU countries (via Italy), are considered as very satisfactory.

More specifically, during the period September 2010 - November 2011 the following results were achieved:

243 arrests and the seizure of 26 660 158 packets of cigarettes, 15 cargo vessels, 27 trucks, 14 private passenger vehicles. This activity is assessed as having prevented the evasion of an estimated EUR 84 140 514 in tax.

In 2012, 133 individuals were arrested and the following seizures were made: 8 610 245 packets of cigarettes and 25 300 grammes of tobacco, 17 trucks, 20 private passenger vehicles, 1 bus, 1 motorbike, 1 tractor and 5 vessels. This activity is assessed as having prevented the evasion of an estimated EUR 28 151 092 in tax.

During 2013, up to 09.07.2013, there were 33 cases involving the seizure of 128 320 960 smuggled cigarettes, 8793 grammes of tobacco, 18 trucks, 7 private passenger vehicles, 4 vessels, 1 speed boat and 1 fishing boat.

This activity is assessed as having prevented the evasion of an estimated EUR 19 669 159 in tax (Korontzis, T. 2013 Europolitan, pp 18-19).

HCG in combating illegal immigration smuggling

The phenomenon of illegal immigration which is a problem for the most MS is strongly remarked in Hellas, given its geographical location between two continents, the peculiarity of its borders and the proximity of the Turkey making Hellas the focal point for migrants smuggling. Therefore is imperative need for effective sea borders surveillance.

Hellas due to its strategic position it's Law Enforcement Agencies (LEAs) and more specifically Hellenic Police (HP) and HCG face on a daily basis dozens of migrants smuggling incidents, mainly from its southern and eastern sea borders. Many of these incidents are evolved in search and rescue operations while most illegal migrants after advice provided by the facilitators when they perceive HCG floating patrol boats usually sink the inflatable rarer boats carrying them or jump from other boats in the sea in order to be treated as individuals that they need rescue. Thus from a point and beyond operations are characterized not as deterrents but as search and rescue.

During the period 2010 to July 2012 was remarked a shifting to flows from sea to land borders in comparison with the situation in the past (Korontzis, T. 2013 pp 1360-1380). This is due to the following reasons:

- A.- The systematic surveillance of sea borders within the framework of "Poseidon" (Korontzis, T. 2012 pp 4-30).
- B.-In penalties toughening which are imposed on facilitators of illegal migrants in accordance with article 48 of law 3689/2009.
- C.- The definition of Dikeli port in Turkey as a readmission port.
- D.- The Liberal policy that was followed by the Turkey (Visa) and the extension of Turkish Airlines in Africa.
- E.-The accessibility of land borders in relation to sea borders.

From August 2012 till today there is remarked a shifting of migratory flows from the land borders between Hellas and Turkey to the sea borders between the two countries. This is due to the following reasons:

- A.-The strengthen thing of the surveillance measures at the land borders with the assistance of forces available of FRONTEX and the construction of the fence.

B.-The deterrent role played by the reception migrants' centers at the border.

C.- The deterioration of the situation in Syria.

D.- The continuous influx of aliens in Turkey.

E.- The inability of aliens staying for a long time on the islands of the Eastern Aegean.

F- The fact that relative Protocol on immigrants' readmission is not implemented by Turkey.

Effects of the above are the following:

A.- Large concentration of immigrants on Turkey coast.

B.- The reactivation of organized criminal networks for facilitating migrants to the Hellenic islands closest to the Turkish coastline, namely Simi, Agathonisi, Farmakonisi, Samos and Lesvos.

C.- Incidents escalating, the majority of which turn into search and rescue incidents.

The response measures taken by the HCG in order to be combated the escalating flows at Eastern Aegean islands are:

A.- Intensified of sea areas and coastline surveillance- patrol.

B.- Strengthening port police authorities at the border with patrol boats and helicopters.

C.- Intensifying cooperation with the HP for aliens identification – debriefing.

D.-A request for assistance was sent to FRONTEX.

E.- Extension of operation «Poseidon-sea borders» by FRONTEX and reinforcement with additional operational resources and experts of EU MS.

F.-Actions to the Turkish Coast Guard with purpose to be prevented the illegal entry of migrants from Turkey.

Z.- Cooperation interdisciplinary group establishment between HCG, HP, Hellenic National Defense General Staff, Navy and Hellenic Intelligence Service.

Estimation concerning the evolution of this phenomenon is the following:

A.-Instability prolonging in Pakistan, Iraq, Afghanistan and in the countries at Middle East and at North Africa.

B.- Maintenance of high migratory pressures in the Hellenic east sea and land frontiers.

C.-Increase of incidents concerning illegal exit from the shores of Western Hellas and from the area of Peloponnese (Korontzis, T. 2012 pp 188-202) (Korontzis, T. 2012, <http://www.idec.gr/iier/new/Europeanization%20Papers%20PDF/KORONTZIS%20MAY%202012.pdf>).

HELLENIC POLICE

Hellenic Police was established by the law 1481/1484, who unified the two pre-existing Armed Forces, the Hellenic Gendarmerie and the City Police in one Armed Force the Hellenic Police under the supervision of the Ministry of Public Order and Citizen Protection.

According to the law 2800/2000 Hellenic Police is a specific armed corps, has its own organizational laws, military hierarchy and its personnel has military hierarchy and discipline.

In its mission belongs:

- The ensuring and maintenance of public order.
- The protection of the public and state security.
- The ensuring of the civil protection.
- Participation in ensuring the defense of the country in cooperation with the armed forces.
- Participation in any emergency arising from natural disasters and accidents or other disasters in peacetime or war in cooperation with co Authorities and Services.

FINANACIAL AN ECONOMIC CRIME UNIT (SDOE)

SDOE according to the legal practice that characterizes the public policies of Hellenic governments during the last thirty years (30), for instance overregulation, changed title but not and duties through four acts in the last fifteen years.

More specifically, SDOE was established by the article 4 of Law 2343/1995 (A' 211) and was under the supervision directly by the minister of Finance. It was also established a position for a Special Secretary in order to direct this service.

Flowingly, according to article 30 of Law 3296/2004 (A' 253), was established a new service under the title «Service of Special Controls» (YPEE), which was subjected directly to the minister of Economy and Finance (now ministry of Finance). With the beginning of YPEE operation automatically was stopped SDOE operation (mainly as far as concern the name of the institution) as it had been established basically according to article 4 of Law 2343/1995. In this new service Head was a Special Secretary [article 28 of Law 1558/1985 (A' 137)].

The organization of YPEE was regulated by the provisions of PD 85/2005 (A' 122). Flowingly with the article 88 & 1 of the Law 3842/2010 (A' 58), YPEE which had been established by the article 30 of Law 3296/2004 was renamed as SDOE. Substantive and formally, after fifteen years (1995-2010) from the establishment of this service and after titles changes without meaning, legally this service in question turned there from where had started.

SDOE mission according to article 2 &1 of PD 85/2005, is «the revelation and fighting of financial crime centers, big tax evasion and smuggling, competence of ministry of Economy and Finance, the control of capitals movement, the control of goods and services distribution, as well as the possession and distribution of prohibited or under special regime types and substances, the control of the right enforcement of the provisions that are related with the national and EU subsidies, as well as provisions that are related with the protection of public property, aiming at the prevention of relative infringements and illegal actions, the willing juveniles conformity, the prosecution of responsible perpetrators, as well as the protection of the Hellenic State general financial interests, of the national economy and of the EU».

SDOE personnel according to paragraph 2.[i] of the above mentioned article, can make arrests and persons interrogations and searches of means, goods, persons, shops, deposits, residences and remaining spaces, as well as in the realization of special interrogative action, according to the special

provisions which are in force each time and the provisions of Hellenic Penal Procedure Code (HPPC) for the offences that are forecasted by the relative legislation and are within its competence (article 5&c, of Law 3296/2004).

Its territorial competence is extended in all the Hellenic territory and its competencies are exercised by the Central and the Regional Services as fixed in the provisions of PD 85/2005 (Korontzis, T. 2013 ISBN vol. I, pp 193-208) (Korontzis, T. 2012 pp 221-227).

HELLENIC FINANCIAL INTELLIGENCE UNIT (FIU)

By Law 3932/2011 which amended Law 3691/2008 the Anti-Money Laundering, Counter- Terrorist Financing Commission was renamed the «Anti-Money Laundering, Counter-Terrorist Financing and Source of Funds Investigation Authority».

The Authority is a national unit aiming at combating the legalization of proceeds from criminal activities and terrorist financing assisting in security and sustainability of fiscal and financing stability.

Its mission, according to Law 3691/2008, as amended by Law 3932/2011, is the collection, the investigation and the analysis of suspicious transactions reports (STR's) that are forwarded to it by legal entities and natural persons, under special obligation, as well as every other information that is related to the crimes of money laundering and terrorist financing and the source of funds investigation.

The Authority has been restructured into three (3) individual units as follows:

a. The Financial Intelligence Unit (FIU). In addition to the President, the FIU comprises seven (7) Board Members of the Authority. At the end of each year, the FIU submits an activities report to the Institutions and Transparency Committee of the Hellenic Parliament and the Ministers of Finance, Justice, Transparency & Human Rights and citizen Protection.

b. The Financial Sanctions Unit (FSU). In addition to the President, the FSU comprises two (2) Board Members of the Authority. At the end of every year, the Unit submits an activities report to the Ministers of Foreign Affairs, Justice, Transparency & Human Rights and Citizen Protection.

c. The Source of Funds Investigation Unit (SFIU). In addition to the President, the SFIU comprises two (2) Board Members of the Authority. At the end of every year, the Unit submits an activities report to the Institutions and Transparency Committee of the Hellenic Parliament and the Ministers of Finance and Justice, Transparency & Human Rights.

The president is an acting Public Prosecutor to the Supreme Court appointed by a Decision of the Supreme Judicial Council and serves on a full – time basis.

The effectiveness of this Committee Constitution in question is judged as sufficient based on the statistics which are available on http://www.hellenic-fiu.gr/index.php?option=com_content&view=article&id=54&Itemid=63&lang=en. But there is no available information concerning the cooperation of this UNIT and its activation with other bodies in international level (Korontzis, T. 2012 pp 5-6) (Korontzis, T. 2013 ISBN 978-608-4642-10-7 vol. I, pp 193-208) (Korontzis, T. 2012 pp 221-227).

ORGANIZED CRIME

International legislation

In the article 45 of PD 67/2011 sets out the administrative and judicial police duties of HCG officers who are posted in Port Police services in Hellas. Among other duties in paragraph (c) is specified that "prevent and suppress the organized crime in the exercise of public and state security». One of the major types of crime today that characterize specific quality characteristics is the organized crime.

As far as concerning the definition of an illegal action as a form of organized crime according to the document with No 6204/2/97 ENFOPOL 35 REV 2 issued by the EU Council, and after a lot of discussions was agreed by the member states that in order a criminal activity to be integrate at organized crime should be met at least six of the following characteristics, among which coexist certainly those mentioned in items 1,3, 5 &11, namely:

- a. - Cooperation between more than two persons.
- b. - Sharing tasks.
- c.-Long or indefinite duration.
- d-Some form of discipline (the organization's activities to be implemented in accordance with a defined set of rules).
- e. - Suspicion of committing serious criminal offenses.

f.-International Action (organization activities must cover more than one country).

g.-Use of force or other forms of intimidation (the use of violence or intimidation are part of the usual methods of organized action).

h.-Use of commercial and operational structure (to control the profits).

i.- Involvement in legalizing inputs from illegal activities (money laundering).

j. - Influencing the fields of politics, media, public administration, judicial authorities or the economy.

k. – Hunting for profit making and / or power as a key objective.

Also important provisions related to the determination of this specific concept include the provisions of L 3875/2010 (A' 158), "Ratification and implementation of the UN Convention against Transnational Organized Crime and its three Protocols and related provisions".

Specifically article 2 of the above mentioned law states: «"Organized criminal group" shall mean a structured group of three or more persons existing for a period of time and acting with a common purpose of committing one or more serious crimes or offenses established in accordance with this Convention, in order to get directly or indirectly a financial or other material benefit» (Korontzis, T. 2012 pp 27-29).

National legislation

As far as concerning the Hellenic legislation, a significant legal development in terms of tackling organized crime was the provisions of L 2928/2001 (A' 141). Particularly with Article 1 of that Act amended Article 187 of the Hellenic Penal Code and introduced the concept of criminal organization.

Also with the same sentence are punished the most of the crimes under the law on narcotics, firearms, explosives and protection of materials that emit harmful radiation for humans, as well as the violation of paragraph 5 of Law 3386/2005 (A' 212) as amended by article 15 and 4 of Law 3536/2007 (A' 42).

From the study of the provisions of Article 187 paragraph 1 of the Criminal Code, indicates that in order to be established the offense of formation or membership in an organization should be satisfied the following conditions:

a.- Establish or inclusion as part of a group

b.-the group should be structured and have lasting effects (quality and time criterion, respectively)

c.-the group consisting of three or more persons (quantitative criterion)

d. - to seek the commitment of the most mentioned above.

With article 187A inserted by Article 2 of Law 2928/2001 introduced "Measures of equity." In the article 9 of Law 2829/2001 is foreseen the protection of witnesses from possible revenge or intimidation of the persons who according to article 187 of the Hellenic Penal Code assist in revealing criminal activities or their relatives.

In the Hellenic Criminal Code was added article 253 A with Article 6 of Law 2928/2001 as the first passage of paragraph 1 and paragraph 2 of this article were replaced with paragraphs 1 and 2 of Article 42 of Law 3251/2004 (A' 127), which refers to interrogation operations at criminal organizations. Especially for the offenses in paragraphs 1 and 2 of article 187 and for the offenses of Article 187 A, the investigation may include the conducting of:

a) penetration investigation, with the enforcement of the guarantees and the procedures in the following paragraphs and as the penetration is predicted in paragraph 1 of article 25B of Law 1729/1987,

b) controlled deliveries, with the enforcement with the same guarantees and procedures, as otherwise these deliveries are predicted at the article 38 of Law 2145/1993 as in force,

c) lifting of the confidentiality with respect to the same guarantees and procedures, as otherwise this lifting is provided in articles 4 and 5 of Law 2225/1994,

d) activity registration or other events outside of the home with audio or visual or other special technical means of keeping with the same guarantees and procedures, as otherwise the registration is predicted in paragraph 4 of article 6 of Law 2713/1999 and

e) Correlation or a combination of personal data with the enforcement of the same guarantees and procedures and under the material terms and conditions of Law 2472/1997.

The investigations cited in the preceding paragraph shall be conducted only:

a) if obtained strong evidence that had been committed an offense referred to in paragraphs 1 and 2 of Article 187 or offense of Article 187A of the Hellenic Penal Code and

b) the dismantling of a criminal organization or detection of terrorist acts in Article 187A is otherwise impossible or very difficult.

Apart from the above to combat organized crime in Hellas helps the following legal provisions:

a. - Law 3064/2002 (A' 248), "Fight against human trafficking, crimes against sexual freedom».

b. - PD 233/2003 (A' 204), "Protection and assistance to victims of crimes of articles 323, 323A, 349.351, 351 of the Hellenic Penal Code under Article 12 of Law 3064/2002 (A 248)."

c.- Law 3251/2004 (A' 127), " European Arrest Warrant, Changes to the Law 2928/2001 for criminal organizations and other provisions " (Korontzis, T. 2013 pp 6-11) (Korontzis, T. 2012 pp 1345-1359) (Korontzis, T. 2012 pp 25-32).

d. - Law 3424/2005 (A' 305), "Modifying, supplementing and replacing provisions of Law 2331/1995 (A' 173) and adjustment of the Hellenic legislation to the Directive 2001/97/EC of the European Parliament and Council for the prevention of financial system for legalized money from illegal activities and other provisions".

In PD 14/2001 (A' 1) and particular in article 25 provided that at the departments of Drug Prosecution/ Security Division of Attica, is defined as a particular competence of them the controlling of the movement of narcotic drugs and psychotropic substances and the contacting of preliminary investigation. Article 11 of Law 2928/2001 (A' 141) provides that "the preliminary investigation and preliminary examination which is conducted by the Drug Prosecution Services /Security Divisions of Attica/General Police Directorate of Athens and Thessaloniki, reservation to the provisions of Articles 33, 34 and 35 of the Code of Criminal Procedure, is under the supervision and guidance of Appeals Prosecutor of Athens and Thessaloniki respectively, carried by one of the existing vice Public Prosecutors appointed by the court of appeal".

Additionally related are: article 8 of the law 3387/2005 (A' 224), article 5&3 of Law 3649/2008 (A' 39), articles 2 & 3 of Law 3943/2011 (A' 66) and article 49& 9 of Law 2935/2001 (A' 162).

Finance and Economic Crime Unit (S.D.O.E.), Hellenic Police, Hellenic Coast Guard are responsible for the prosecution of economic and cyber crime. The first has a competence of action in all the Hellenic territory and the other two in certain territorial places, as determined by the relevant legal provisions. Obviously is being created the well-known phenomenon that characterizes the systemic problems of the Hellenic public administration, the overlapping of competences.

While there have been set a competent prosecutor for financial crime, as is clear revealed from the above mentioned legislative framework, he/she directs and supervises only the actions and investigations conducting by the officers of S.D.O.E. as also the stuff of the Ministry of Finance. There is no such legal provision for appropriate inclusion of the respectively Police Service [(Financial and Cyber Crime Unit – established by PD 9/2011 (A 24))] in his/her jurisdiction, as the same is taking place for the HCG. The staff of the relative service of Hellenic Police as also the staff of the HCG when they are acting as preliminary staff officers are under the supervision and guidance of prosecutors of criminal justice and not under the supervision and the guidance of the specialized public prosecutor of the economic crime (Korontzis, T. 2012 pp 27-29).

EUROPOL

European Police Office (Europol) establishment was agreed in the Treaty of the European Union (February 7, 1992) while the relative arrangements were contained in the Convention of establishing the European Police Office ("Europol Convention") [EU 316/27-11 -1995] Article K.3 of the Treaty for the European Union.

By the Council Decision issued on 6 April 2009 [EU L 121/15-05-2009] which came into force from 01.01.2010, the provisions of the convention which were mentioned above were replaced and Europol under this Decision shall be deemed as the successor of Europol as was established by the Europol Convention.

Objective of Europol according to article 3 of the above mentioned decision is: «to support and strengthen action by the competent authorities of the Member States and their mutual cooperation in preventing and combating organised crime, terrorism and other forms of serious crime affecting two or more Member States».

Within Europol's mandate is organized criminal group according to article 4 of the decision (document with No 6204/2/97 ENFOPOL 35 REV 2

issued by EU decision), terrorism and other serious crime as described in the annex of the decision like drugs trafficking, illegal immigration, human trafficking, money-laundering, crimes related to motor vehicles, swindling, maritime piracy which affect two or more MS, in a way that requires a joint approach by the MS, given the scope, significance and consequences of criminal acts.

The main activity of EUROPOL is the supporting of MS in the collection, analysis and distribution of information relating to crime and to coordinate operations. For this purpose, EUROPOL has over 100 information analysts.

MS which are facing a specific criminal phenomenon that affects two or more EU states may request from EUROPOL to open a focal point (FP) in order to support searches in this field. EUROPOL provides assistance for current operations through two Analytical Work Files [(Serious Organized crime (SOC) – Counter terrorism (CT)] in 23 themes (FP) for illegal activities that are included within the circle of its competencies.

Important areas of Europol's staff activity comprise the participation with a support capacity character in Joint Investigation Teams (JIT) (Korontzis, T. pp 2012 2237-2250), with a scope to provide assistance for all activities and exchanging information with all JIT members without participating in coercive measures.

From the above is clear that EUROPOL is a supported European service offering through specific processes expertise to LEAs without actively participating in operational processes but only to analyze operational information (Korontzis, T. 2011 pp 50-51).

EUROJUST

Eurojust was established by the Council Decision of 28 February 2002 regarding establishing Eurojust with a view to reinforcing the fight against serious crime [2002/187/JHA, L 63/27].

The objectives of Eurojust according to article 3 of EU decision are:

1. In the context of investigations and prosecutions, concerning two or more Member States, of criminal behavior referred to in Article 4 in relation to serious crime, particularly when it is organized, the objectives of Eurojust shall be:

(a) to stimulate and improve the coordination, between the competent authorities of the Member States, of investigations and prosecutions in the Member States, taking into account any request emanating from a competent authority of a Member State and any information provided by anybody competent by virtue of provisions adopted within the framework of the Treaties;

(b) to improve cooperation between the competent authorities of the Member States, in particular by facilitating the execution of international mutual legal assistance and the implementation of extradition requests;

(c) to support otherwise the competent authorities of the Member States in order to render their investigations and prosecutions more effective.

Crucial role consists the establishment of a JIT (Korontzis, T. pp 2012 2237-2250), as well as its members to enroll in the JIT. Its role in the establishment and successful activation of JIT is crucial. In this case is provided to Eurojust the capability as reveals from its institutional framework but also from its function to call the national competent authorities to establish JIT when something like that is judged as necessary. In the last Eurojust provides administrative support and co-ordination meetings held at its premises in The Hague, Netherlands (Korontzis, T. 2013 pp 4-20).

EUROPEAN AGENCY FOR THE MANAGEMENT OF OPERATIONAL COOPERATION AT THE EXTERNAL BORDERS OF THE MEMBER STATES OF THE EUROPEAN UNION (FRONTEX)

Taking into account the experiences of the External Borders Practitioners' Common Unit, acting within the Council, a specialized expert body tasked with improving the coordination of operational cooperation between Member States in the field of external border management should therefore be established in the shape of a European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (hereinafter referred to as the Agency) [Regulation (EC) No 2007/2004 of 26 October 2004].

For the purpose of fulfilling its mission and to the extent required for the accomplishment of its tasks, the Agency may cooperate with Europol, the competent authorities of third countries and the international organizations competent in matters covered by this Regulation in the framework of working arrangements concluded in accordance with the relevant provisions of the Treaty.

The Agency should facilitate the operational cooperation between MS and third countries in the framework of the external relations policy of the European Union.

It is based in Warsaw (Poland) [Council Decision 2005/358 (26/4/2005)], and its main task which are operationally defined in Regulation (EC) 2007/2004 of 26 October 2004, Regulation (EC) 863/2007 of 11 July 2007 and Regulation (EC) No 1168/2011 of European Parliament and of Council of 25 October 2011]. It should be noted that the RABITs groups' executives may carry weapons, make arrests, etc. presence of local/s law enforcement officials in contrast to Europol staff who do not have any executive responsibility.

EUROPOL and FRONTEX have signed an agreement to strengthen cooperation among them in particular through the exchange of strategic and technical information, which does not allow data transfer to identify individuals (Korontzis, T. 2012 pp 188-202).

CONCLUSIONS

The HCG now with a new name (Limeniko Soma used to be the old one) as originated by the L 3922/2011 was under the supervision of the Ministry of Shipping, Maritime Affairs and the Aegean (MSA) after the administrative governmental experimentation carried out by the governments from 2009 till 2013. Unfortunately as was mentioned in the summary of the L 3922/2011 " From now under a single political supervision, coordination and direction will effectively fulfill its mission and will participate actively, effectively and equally to other security forces in fulfilling the mission of the ministry".

In the case of internal security - security is a concept which is not specifically defined in legal texts, but in each case is determined on a case-law decisions issued by the judicial authorities - creates many questions the wording in the law that "the management of important security and environmental issues protection by corps and services from different political leadership, direction and understanding certainly negatively impacts regarding the unified planning, coordination immediacy, operational activity and generally the quality and effectiveness of their work".

This means that ministers per ministry and by case until the time of this law drafting, implemented different policies that each minister had a different direction and perception, that there was no single design, was a lack of coordination and therefore was affecting the immediacy and operational action

of bodies supervised. These apparently were taken place on a national security level when security forces as in this case were under different ministries supervision.

By the L 4150/2013 was redefined the subordination of the HCG in the MSA by strengthening its role with the retrieval of competencies ranges related directly with MSA vital functions which the staff of the HCG exercised effectively for the benefit of the national shipping capital and in that meaning of the country. The HCG with institutional clearly way becomes an organizational and operational pillar of MSA contributing parallel in policing at specific areas. Furthermore are kept provisions of L 3922/2011 in order to maintain - with each necessary additions - the key features of the HCG that this law had adopted.

Furthermore with this law is seeks generally the promotion of the Hellenic merchant navy, the exercise of significant actions in sensitive sectors such as maritime safety, maritime security and protection of the marine environment, to simplify, modernize and facilitate related shipping administrative procedures the regulation of important issues related to the operation and management of Hellenic ports and the establishment of an innovative and modern system administration, provided a coherent system provisions under which establishes the basic institutional framework of the Hellenic maritime administration MSA needs a single HCG in order to serve the public policies, particularly in the field of internal security. In particular one of these is the control of maritime activity, as exercise both in preventive and repressive police action. The other is the support of the Hellenic merchant navy, both at internal and external level from the HCG as specialized for that purpose corps.

Concerning the policing issues results from the reconstitution of the Ministry of SA with regard to the prosecution of drugs trafficking, fighting crime in ports and general in coastal areas and at sea are much better than those recorded during the previous years when the HCG administratively was under the subordination of the Ministry of Citizen Protection. The activity of the HCG in combating criminality at internal level as a crucial member of internal security system is assessed as very positive.

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