

# Greece: Technical Memorandum of Understanding

## Accompanying the MoU of the ESM programme

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# Greece: Technical Memorandum of Understanding

## Accompanying the MoU of the ESM programme

[xxApril 2017]

1. This Technical Memorandum of Understanding (TMU) is a supporting document for the Memorandum of Understanding. It sets out the definitions of the indicators subject to quantitative targets, including performance criteria and indicative targets. It also describes the methods to be used in assessing programme performance and the information needed to ensure adequate monitoring of the targets.

### *General Government*

2. **Definition:** For the purposes of the programme, the general government includes all units classified as government units in the published Register of the General Government Entities of the Hellenic Statistical Authority (ELSTAT) as reflected in the most recent EDP notification, in accordance with the rules specified in the *European System of Accounts 2010 (ESA2010)* and the *Manual on Government Deficit and Debt Implementation of ESA 2010 (ESA2010 MGDD)*.<sup>1</sup>

## DEFINITIONS AND REPORTING STANDARDS

### A. Modified General Government Primary Cash Balance

3. **Definition:** The modified general government primary cash balance (MGGPCB) is defined as the modified general government cash balance (MGGCB) minus general government interest payments. The MGGCB is defined as the sum of the cash balances general government entities as included in the Register of the General Government Entities of ELSTAT in accordance with ESA2010 rules. The delineation of the above the line and below the line transactions, and classification of the main revenue and expenditure categories is in accordance with the rules specified in the *ESA2010* and the *ESA2010 MGDD*.

- **The ordinary state budget.** The cash balance of the ordinary state budget will be measured from above the line, based on: (i) gross ordinary budget revenues (recurrent and non-recurrent), minus tax refunds; minus (ii) ordinary budget expenditures as published monthly on the official website of the General Accounting Office of the Ministry of Finance; plus (iii) all revenues minus expenditures (the balance of operations) performed through the accounts outside the budget, in particular the Single Treasury Account.
- **The cash balance of the public investment budget.** The cash balance of the public investment budget will be measured from above the line, based on investment budget revenues minus investment budget expenditures of the investment state budget as published monthly on the official website of the General Accounting Office of the Ministry of Finance, and in line with the corresponding line items established in the investment state budget.
- **Other Sectors (EBFs, SOEs, local governments, social security funds and hospitals).** The cash balance of the remaining sectors of the general government will be measured from above the line based on: (i) gross revenues (including transfers from the State government as well as from other subsectors) minus (ii) expenditures, as published monthly on the official website of the Ministry of Finance.
- **Consolidation.** The sum of cash balances will be derived from the aggregated revenue and expenditure of all general government entities excluding all intra and inter-sectoral transactions.

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<sup>1</sup>On sectorization, both manuals are consistent with the general principles of the Government Finance Statistics Manual (2014) (GFSM2014).

**4. Adjustments:** The MGGPCB will exclude:

- the part of the public investment budget (revenues and expenditures) related to EU structural funds and their co-financing;
- all transfers related to Eurogroup decisions regarding income of euro area national central banks (SMP and ANFA revenue) including the BoG, stemming from their investment portfolio holdings of Greek government bonds;
- receipts from the sale of non-financial assets such as land, buildings, leases, concessions or licenses;
- total general government migration-related expenditure, net of EU transfers to the Greek budget for migration-related costs, recorded under the special budget account for migration expenditure codes 590 to 596 (for Ministries), 078 (for Decentralized Administration) and 187, 188 and 238 (for regional services of Ministries). Migration-related expenditure will exclude wages and salaries of permanent civil servants for the purposes of this adjustor. Delayed EU fund payments related to migration expenditure already deducted from previous years' programme balance will be also excluded. The total adjustment will not exceed 0.2% of GDP per annum.
- payments related to support of the banking system that are part of the programme's financial sector strategy;<sup>2</sup>
- any payments from banks that in European institutions' assessment would undermine their solvency or liquidity, unless the Bank of Greece confirms that such a payment would be compatible with the preservation of adequate capital buffers and liquidity going forward, including by verifying consistency with banks' business plans as included in the stress test. The two exceptions to this are the capital concentration tax and the guarantee fee structures currently in place.
- any payments of spending arrears and tax refunds accrued in previous years and paid in the current year with special appropriation for arrears clearance as defined in Section C below.

**5. Supporting material:** All of the following will be provided within four weeks of the end of each reporting month:

- For the State, EBFs, and SOEs, the Ministry of Finance (MoF) will provide to the European Commission, ECB and IMF detailed information on monthly revenues and expenditures including interest expenses, accounts payable distinguishing third parties, domestic and foreign debt redemptions, new domestic and foreign debt issuance, change in the domestic and foreign currency cash balances at the Bank of Greece, and all other sources of cash financing.
- For local governments, the Ministry of Finance, in collaboration with the Ministry of Interior, will provide monthly data on revenues and expenditures, accounts payable distinguishing third parties, as collected in the Ministry databank.
- For the social budget and hospitals, the Ministry of Finance, in collaboration with the Ministry of Labor and Ministry of Health, will provide monthly data on revenues and expenditures and accounts payable distinguishing third parties, in the social security funds, the central healthcare fund (EOPYY) and public hospitals.
- Finally, with a view to cross-check above and below the line primary cash balances, the Bank of Greece will provide detailed monthly data on net acquisition of financial assets and liabilities of the State and all non-State subsectors of the General Government as defined above: local authorities, social budget entities, extra-budgetary funds, and state enterprises included in the definition of general government. The entity that will be in

<sup>2</sup> Any financial operation by the central government to support banks, including the issuance of guarantees or provision of liquidity, will be immediately reported to the IMF, European Commission, and ECB staff.

charge of the operation of the Single Treasury Account (STA) will provide monthly data on the outstanding amount of the STA, and inflows and outflows passing through the STA grouped by main categories, and distinguishing above and below the line transactions and possible other economic flows. A template agreed with the institutions and compiled and provided by the GAO based on the information provided by the above entities will reconcile above (General Government Bulletin) and below the line (BoG) data, including asset and liability stocks and flows reconciling differences between BoG deposit data and c-table deposit data.

- Monthly data by budget code on the use of the special account allocated for refugee spending, including data on wage and nonwage-related spending, within three weeks of the end of each month. Results of the ex-post surveys of line ministries on migration-related spending on quarterly basis.
- Monthly data on payments of spending arrears, tax refunds, and pension claims accrued in previous years and paid with special appropriation for arrears clearance and with ESM special financing for arrears clearance.

## B. State Budget Primary Expenditure

**6. Definition.** The state budget primary spending consists of ordinary state budget expenditure minus interest paid by the state budget, minus any payments of spending arrears and tax refunds accrued in previous years and paid in the current year with special appropriation for arrears clearance. Ordinary state budget expenditure includes called guarantees to entities inside and outside the general government.

**7. Adjustments:** State budget primary expenditure will exclude payments related to support of the bank system that are part of the programme's financial sector strategy.<sup>3</sup> Expenditures related to EU structural funds and their co-financing will also be excluded.

**8. Supporting material.** The General Accounting Office of the Ministry of Finance will provide monthly expenditure data, as defined above.

## C. The Stock of Domestic Arrears and Other Payment Claims

**9. Definition.** For the purpose of the programme, domestic arrears and other payment claims are defined as: (i) unpaid invoices of the general government owed to third parties that are 90 days past their due date; plus; (ii) the entire stock of tax refund claims of third parties that have received an AFEK (verified and non-verified) but excluding those under legal dispute, and any unprocessed tax refund claims that have exceeded 90 days since the claim was filed; and (iii) any processed and unprocessed pension claims that have exceeded 90 days since the retirement application was filed. In case no due date is specified on a given supplier contract, an unpaid commitment is arrears 90 days after the receipt of the invoice. Tax refund claims that have received an AFEK and processed and approved pension claims are due immediately. The net accumulation of arrears and other claims is calculated as the change in the stock of general government spending arrears (excluding arrears subject to the clawback and rebate mechanism), processed (AFEK) tax refund claims, unprocessed non-AFEK tax refunds and pension claims older than 90 days.

**10. Supporting material.** Monthly data on spending and tax refund (processed) arrears of the general government will be provided by the Ministry of Finance within four weeks after the end of each month. The Ministry of Finance will publish this information on its website. The Ministry of Finance will also provide for the institutions data on accounts payable overdue by 0–30, 31–60, and 61–90 days for general government entities as reported in the commitment registers as well as (i) stock of spending arrears; (ii) stock of unpaid processed tax refund claims, showing verified and unverified claims; (iii) stock of unpaid unprocessed tax refund claims, distinguishing those that are older than 90 days. Tax refund arrears data (including the age of tax refund claims) will be based on information provided by General Secretariat

<sup>3</sup> Any financial operation by the central government to support banks, including the issuance of guarantees or provision of liquidity, will be immediately reported to the IMF, EC, and ECB staff.

for Information Systems and General Secretariat for Public Revenue / Independent Authority for Public Revenue (IAPR). The GSPR / IAPR will fill out the tax refund template provided for this purpose on a monthly basis. Unprocessed pension claims, including the age of the claims, will be provided by the Ministry of Labor. The coverage of the current reporting of general government contingent claims will be assessed in consultation with the institutions, and extended according to an agreed timetable to cover all contingent claims that are not currently reported on monthly basis.

**11. Supporting material.** Further ESM programme financing for arrears clearance will be approved on the basis of a report by the European institutions assessing that there has been good progress in clearing net arrears until February 2017 inter alia by verifying that the authorities have reduced the stock of arrears for an amount equivalent to 80% of the previous cumulative disbursements since June 2016 dedicated to arrears clearance. The remaining sub-tranche of the approved programme envelope will be disbursed when authorities have reduced the stock of arrears for an amount equivalent to 150% of the previous disbursement vis-à-vis the stock of February 2017 i.e. 1/3 of the cumulative reduction should be achieved by using own resources. Future disbursement for the sub-tranche will be made available upon the European Institutions positive assessment of reaching the above mentioned net arrears clearance target. Authorities will provide an updated arrears clearance programme with a target reducing of the whole stock of arrears by [mid-2018]. A final assessment of the overall progress of the arrears clearance programme will be done after its completion. To this end, the authorities will provide monthly reports on the financing from the overall envelop for arrears clearance and the account dedicated to arrears clearance, the utilization of the special appropriation for clearance of arrears, as well as on the relevant payments, based on data reported through the BoG, the GAO FMIS and surveys.

## D. The Overall Stock of Central Government Debt

**12. Definition.** The overall stock of central government debt will refer to central government gross debt, as defined in the Excessive Deficit Procedure (EDP), i.e. covering the state, extra budgetary funds and state owned enterprises consistent with the Registry of the General Government Entities of the Hellenic Statistical Authority (ELSTAT) as reflected in the most recent EDP notification. Holdings of intra-government debt will be consolidated. The ceiling reflects total outstanding gross liabilities in the form of deposits, debt securities, and loans. It will not include accounts payable and will be measured at nominal value as defined in the EDP.<sup>4</sup> The programme exchange rates will apply to all non-euro-denominated debt.

**13. Adjustments.** The ceiling on the overall stock of EDP central government debt will be adjusted upward (downward) by the amount of any upward (downward) revision to the stock of end-December 2015 EDP central government debt of €323.3 billion.

**14. Supporting material.** Data on the total stock of central government debt will be provided to the European Commission, ECB and IMF staff by the General Accounting Office consistent with the EDP definition no later than 30 days after the end of each quarter.

**15. The programme exchange rates.** All foreign currency-related assets, liabilities, and flows will be evaluated at “programme exchange rates” as defined below, with the exception of the items affecting government fiscal balances, which will be measured at current exchange rates. The programme exchange rates are those that prevailed on October 31, 2016. In particular, the exchange rates for the purposes of the programme are set: €1 = 1.0946 U.S. dollar, €1 = 114.97 Japanese yen, and €1.2551 = 1 SDR.

## E. Ceiling on New General Government Guarantees

**16. Definition.** New guarantees are guarantees extended during the current fiscal year, but for guarantees for which the maturity is being extended beyond the initial contractual provisions, only 50 percent of the full value will be counted. Modification of existing guarantees (without changing the maturity, amount guaranteed, and beneficiaries of the loan) will not be treated as new guarantees. In case of

<sup>4</sup> Under EDP, nominal value is considered to be equivalent to the face value of liabilities.

a change in the beneficiaries, the state will assess whether there is an increase in the liability (and/or potential contingent liabilities) of the State and if the State's position as a guarantor is adversely affected. If the new beneficiary meets the exact same requirements as the old beneficiary and neither the liability of the State nor the state position as a guarantor is adversely affected, a modification of existing guarantees (without changing the maturity and amount guaranteed), will not be treated as new guarantees.

**17. Coverage.** The ceiling on the new general government guarantees shall include all new guarantees granted by any entity that is classified in the Register of the General Government Entities of ELSTAT (as reflected in the most recent EDP notification) under general government, but exclude guarantees to entities whose debt is covered under the ceiling on the stock of general government debt as defined above. The ceiling includes any guarantees to the Institute for Growth but shall exclude: (i) guarantees related explicitly to financial stability goals of the programme (e.g., government-guaranteed bank bonds or emergency liquidity assistance (ELA)); (ii) guarantees related to EIB or ESIF financed loans; (iii) guarantees related to loans provided by the EIB or ESIF through the trade finance facility up to an outstanding amount of €500 million; (iv) guarantees granted by ETEAN (up to a total outstanding amount of €50 million provided these are fully backed by an equivalent amount of bank deposits); (v) guarantees granted under a risk sharing instrument of the EU structural funds (see COM (2011) 655 final) that do not create contingent liabilities for the Greek State; and (vi) guarantees granted to individuals and businesses for proven damages from natural disasters less any amounts received as compensation insurance up to a total amount of €30 million.

**18. Supporting material.** All new and modified central government guarantees will be reported in detail, identifying amounts and beneficiaries, and a risk assessment of calls and probability that the guarantees will be called. The report on modified guarantees, in which the beneficiary has changed, will include an assessment of the State's modified position as a guarantor. The General Accounting Office will provide the data monthly within three weeks after the end of each month. Non-state entities classified under the general government shall report the new guarantees they extended to the General Accounting Office monthly within three weeks after the end of each month.

## F. Non-Accumulation of External Debt Payment Arrears by the General Government

**19. Definition.** For the purposes of the programme, an external debt payment arrear will be defined as a payment on debt to non-residents contracted or guaranteed by general government units, which has not been made within seven days after falling due. The term "falling due" means the date in which external debt payments are due according to the relevant contractual agreement, including any contractual grace periods.

**20. Supporting material.** The stock of external arrears of the general government will be provided by the PDMA with a lag of not more than seven days after each reporting month.

## G. "Programme" Primary Balance and Overall Monitoring and Reporting Requirements

**21. Definition.** For the purposes of the programme, the primary balance is defined as ESA 10 general government balance (B.9) minus ESA 10 general government consolidated interest payable (D.41), adjusted for the factors delineated in paragraph 22.

**22. Adjustments.** The balance (B.9) will exclude the following:

- the sale of non-financial assets such as land, buildings, leases, concessions or licenses (recorded as one-off transaction), unless these have been agreed in the context of the programme;
- total general government migration-related expenditure net of EU transfers to the Greek budget for migration-related costs recorded under the special budget account for migration expenditure codes 590 to 596 (for Ministries), 078 (for Decentralized Administration) and 187, 188 and 238 (for regional services of Ministries). Migration-related expenditure will exclude wages and salaries of permanent civil servants for the purposes of this adjustor. Delayed EU fund payments related to migration expenditure

already deducted from previous years programme balance will be also excluded. The total adjustment will not exceed 0.2% of GDP per annum.

- costs related to banking support as defined in MGGPCB above;
- all transfers related to Eurogroup decisions in regard to income of euro zone national central banks (SMP and ANFA revenues), including the BoG, stemming from their investment portfolio holdings of Greek government bonds
- any other transactions related to debt-reducing measures agreed in the context of the programme, such as the reduction of Greek Loan Facility (GLF) interest margin which are counted below the line in the debt sustainability analysis.
- any payments from banks that, in European institutions' assessment, would undermine their solvency or liquidity, unless the Bank of Greece confirms that such a payment would be compatible with the preservation of adequate capital buffers and liquidity going forward, including by verifying consistency with banks' business plans as included in the stress test. The two exceptions to this are the capital concentration tax and the guarantee fee structures currently in place.

The balance (B.9) will include the following:

- change of the stock of outstanding tax refunds claims without AFEK older than 90 days, net of the amount of rejected tax refund claims that exceeds the normal annual rejection volume (5% of the flow of new claims submitted in the respective year)<sup>5</sup>.

**23. Supporting material.** Performance under the programme will be monitored from data supplied on a quarterly basis to the EC, ECB, and IMF by ELSTAT, the Ministry of Finance, the General Accounting Office, and Bank of Greece. The authorities will transmit to the IMF, EC, and ECB staff any data revisions in a timely manner. Monthly data by budget code on the use of the special account allocated for refugee spending, including wage and nonwage related spending, within three weeks of the end of each month. Results of the ex-post surveys of line ministries on migration-related spending on quarterly basis.

## H. Coordination on Data and Statistical Provisions

**24.** Exchange of the information and data among ELSTAT, MoF/GAO, and the BoG will be based on a Memorandum of Understanding, regularly reviewed and updated at least on an annual basis and no later than April 2017. In particular, ELSTAT will provide the following information to the General Accounting Office, EC, ECB, and IMF, that would make it possible to compile timely projections based on the ESA 2010 and programme definitions:

- A bridge table between KAE and ESA 2010 codes. Each update of the bridge table by ELSTAT is to be provided as soon as available.
- A bridge table between the detailed list of EDP T2A/C/D adjustments and the ESA 2010 codes for each adjustment line.
- Completed detailed EDP tables (including analytical details), as soon as the clarification process of the Greece EDP data is concluded by Eurostat.
- Completed supplementary table on the financial crisis, as soon as the clarification process of the Greece EDP data is concluded by Eurostat
- Data on bank support adjustments, by subsectors and ESA 2010 codes.
- Data on consolidation of inter and intra-governmental transactions by economic categories.
- Tables on revenue and expenditure (ESA T200) for the state, EBFs and SOEs, hospitals, local government and social security funds.

<sup>5</sup> This adjustor will apply only in the fiscal year 2016 and onwards.



- Data by KAE for the state bridged into ESA categories, and including the ESA adjustments for each category.
- Changes in the Register of the General Government Entities, as soon as the change is agreed with Eurostat.

## MONITORING OF KEY PERFORMANCE INDICATORS (KPI)

### I. KPI on Revenue Administration

Progress in revenue administration will be defined as reaching or exceeding the targets set in TMU Table 9.

#### 25. Definitions:

- **A completed audit** is defined as an audit formally reported as finalized in the ELENXIS audit case management system, including signed off by the audit supervisor, and the corrective assessment as referred to in Article 34 of the TPC has been issued, or the audit report states that no underpayment has occurred.
- **High Wealth Individual (HWI)** audits carried out on a legal person owned or controlled by the high wealth individual will also count as an HWI audit case if the audit is carried out by the auditor(s) who carry out the audit of the relevant high wealth individual. Furthermore, audit of off-shore companies with the aim of identifying the natural person owing or controlling the offshore company will also be regarded as an HWI audit case. These audits will be reported separately.
- **Collection of new tax debt** is collection of debt accrued in the period from the 1<sup>st</sup> of December of the previous year till the 30<sup>th</sup> of November of the current year and does not include debt items of non-tax nature for which the tax authority is responsible for collecting on behalf of other public sector entities, such as parafiscal taxes and fines, rentals, services, loans, other parafiscal charges, other non-tax penalties, revenue stamps, debits and other non-tax fines, and other contributions.
- **Old tax debt collection** is collection during current year of debt accrued before 30<sup>th</sup> November of previous year.
- **Fresh tax audit cases** are closed audit cases, concerning tax years, fiscal years, cases, periods or obligations related to the last five years, including the year when a SGPR or, later, and IAPR governor decision was issued to define the priority cases.
- **Audits from prosecutors orders:** The number of audits upon prosecutors order: refers to the amount of audit orders (per TIN) which occurs following prosecutor's order<sup>6</sup> (one prosecutor's order may be related to more than one audit order).
- **Taxpayer service:** The KPI is a ratio defined as follows. The numerator is the number of VAT refund claims paid or rejected within 90 days during the quarter. The denominator is the sum of the numerator and the number of pending VAT refund claims, for which 90 days have passed at the end of the quarter. The 90-day period refers to the period between a claim is made and final payment to the claimant is completed or the taxpayer is notified that the claim can be paid, or an offset has been made, or the claim is rejected.
- **Tax paid on time:** The numerator is tax liabilities paid by due date, from the beginning of the year to the quarter-end; the denominator is total tax liabilities assessed that should be paid from the beginning of the year and to end of the quarter.
- **Enforcement measures:** The indicator is defined as a fraction where the numerator consists of the total number of debtors against whom some enforcement measure are taken by IAPR at the end of the quarter, and the denominator consists of the total number of debtors against whom GSPR IAPR could legally impose enforcement measures at the same date. Enforcement measures are defined as one of the following: garnishment orders, garnishments at the hands of third parties (including e-garnishments), auctions,

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<sup>6</sup>TIN: tax identification number (compulsory for each taxpayer). One prosecutor order may refer to multiple tax identification numbers.

mortgages, imposing liens against assets-garnishments) wages, income or assets seizures. From the denominator are excluded debtors which cannot, by law, be pursued<sup>7</sup>.

- **Control by mobile unit:** Controls by units of the Customs administration operating on the territory and not at fixed points. These controls concern: the movement and storage of exciseable goods (mainly), counterfeit goods, drugs, etc. and legal possession and use of vehicles

**26. Supporting material.** Monthly Information will be made available by the Independent authority for public revenue (IAPR) in the Tax administration monitor no later than three weeks after the end of each month, including:

- On stock, collection, and write off of tax debt (old, new, and by LDU);
- On the number of debtors under enforcement;
- On assessed taxes and penalties<sup>8</sup>, collection of assessed taxes and penalties, percent of fresh tax audit cases in total completed audits, the stock of priority cases for audit, and inflows and outflows of such cases. The data will be provided for large taxpayers audit center (KEMEP), high wealth individuals audit center (KEFOMEPE), local and regional tax centers (DOYs), FAE, and investigation center (YEDDE).
- Onstock, payment and rejection of tax refund claims (within or in more than 90 days during the period; for VAT, CIT, and PIT).
- On-time payment of VAT, income, and property tax: collection of taxes paid during the period before they become overdue. Amounts paid after they became overdue will also be mentioned in the table.
- Cases registered and closed by the Dispute Resolution Unit, with number of cases closed within the time limit (by explicit decision or by withdrawal of petition) and closed by implicit rejections. The table will also include suspension requests.
- There will also be a monthly report of the standard 15 tax collection tables by type of tax, by age of tax, by amount of debt due, by status of debtor.
- Installment schemes, with amounts and number of debtors.

## J. KPI on Collections of Social Security Contribution

[Progress in collecting social security contribution will be defined as reaching or exceeding the targets set in TMU Table 2B.

**27. Definitions:**

- **Social security fund payment compliance** is defined as the ratio of the amount of current year social security contribution paid to the EFKA fund divided by the amount invoiced or declared for each reporting period, expressed as a percentage.
- **Supporting material.** A monthly submission no later than three weeks after each month-end is required from EFKA on the following: total amount of social security contribution paid (flow), total amount of social security contribution invoiced or declared (flow), amount of SSC debt transferred to KEAO's and KEAO's SSC debt collection.

<sup>7</sup> According to legislation, debtors with due debts under an installment scheme, under judicial suspension, equal or less than 500 euro (basic debts, without interest and surcharges) and debts deemed uncollectible) cannot be pursued.

<sup>8</sup> The assessments will also include, for consistency and completeness purposes, information about cancellations because of assessment errors which may occur several months after the assessments. The percentage of collection will be calculated on the net assessment amounts.

## K. KPI on Public Financial Management

Progress in implementing public financial management reforms will be defined as reaching or exceeding the floor targets and staying at or below the ceiling targets as set in TMU Table 10.

**Σχόλιο [A1]:** GAO to send updated data to allow updating the table.

### 28. Definitions:

- **Invoices received by the state** are the invoices or other equivalent documents consisting of a request for payment that have been submitted (accompanied by a submission document) by ministries to the fiscal audit offices (FAOs), or by suppliers to the general directorates of financial services (GDFSs) after the financial service responsibilities are transferred from FAOs to GDFSs, for payment, which include the information on the date when line ministries received the invoice from suppliers or the dates as specified in the Late Payment Directive.
- An **unprocessed pension application** is an application filed by an insured or entitled person for receiving an old age, disability or survivors' pension. The pension claim will be counted as unprocessed if a decision on the validity and amount due under the claim has not been reached by the end of the month following the month in which the application was filed.
- **Actual all social security funds-to-EOPYY transfer** is the amount of cash transfer to EOPYY and the expenditures paid by all social security funds (SSFs) on behalf of EOPYY year to date. **The amount that should be transferred from all social security funds to EOPYY** is the revenue collected by all social security funds on behalf of EOPYY during the same period, calculated as 6 percent on full monthly net (after measures) pensions received by each pensioner, and 6.45 percent on monthly insurable earnings of each worker. The exact amount of insurable earnings is calculated ex post based on monthly filings of Analytical Periodic Declarations.
- **Medical claims submitted by public hospitals to EOPYY electronically** are claims (invoices and associated documents) using KEN-DRGs and/or hospital fees submitted to EOPYY electronically for insured patients on inpatient services with at least one night stay. No more than one claim is allowed for each inpatient service.

**29. Supporting material.** Monthly summary information on the following (i) stock of unpaid processed pension applications (number and total value of claims of the application); (ii) stock of unpaid non-processed pension applications (number and total value of claims of the application) provided by the Ministry of Labor; (iii) number of days and processing time of invoices received, invoices paid, and invoices rejected upon verification by the state government (including ministry of finance and line ministries), as well as invoices that have been neither paid nor rejected since the date of receipt of the invoice or the other dates as specified in the Late Payment Directive for a period longer than the ceiling days specified in the Late Payment Directive, (iv) the amount of all SSFs-to-EOPYY cash transfer, expenditure paid by all SSFs on behalf of EOPYY, and revenue collected by all SSFs on behalf of EOPYY, (v) the number of medical claims submitted by public hospitals to EOPYY electronically, and the number of inpatient services with at least one night stay, and (vi) the number of claims submitted by private entities (including private hospitals, clinics, diagnostic centers, etc) to EOPYY for insured patients and the number of full-scope audits conducted by EOPYY on those claims.

## MONITORING OF FISCAL PRIOR ACTIONS

### L. Post-programme package

Σχόλιο [A2]: Details of the package to be inserted once agreed

#### 30. [TO BE COMPLETED]

- a. Pensions
- b. Income tax credit
- c. Expansionary tax package
- d. Expansionary expenditure package

31. **Key Deliverable.** Conditions on eligible ALMPs as part of Post-programme expansionary expenditure package.

**Definition.** All ALMP measures eligible to be funded as post-programme measures must be developed and implemented in close co-ordination with existing ALMP programmes including those supported by EU ESF funding and with possible technical support from World Bank and after consultation with DG Employment of the EU Commission. Measures must be implemented in the context of the new delivery model for ALMPs (SMoU 2.5.3 and 4.1), making use of upgraded profiling methodology and individual action plans for jobseekers, as well as continuous evaluation of programmes. The mix of eligible ALMP measures can include:

- Job search assistance, group counselling and mentoring programmes
- Expanded youth guarantee schemes focussed on youths not in employment, education or training (NEETs)
- Training, job experience and apprenticeship schemes aimed primarily at the private sector with certification of acquired skills and qualifications.
- "Public works Plus" schemes with strong activation component including skill enhancement, aimed at the most difficult to reintegrate groups. GMI/SSI recipients should be particularly targeted.

The eligible schemes should not include long-term wage-subsidies or schemes aimed for highly-qualified workers in either the private or public sector. Training schemes should not include income support for beneficiaries.

### M. Pension Reform

32. **Definitions:** The pension reform will be legislated in 2016 (Law 4387/2016) with the aim to achieve 1 percent of GDP in pension savings by 2018 (including about 0.9 percent from spending measures). It will also compensate for the fiscal impact of the 2015 Council of State ruling on the 2012 pension reform. The following provisions are needed to fully implement the new pension legislation :

- *EKAS.* The solidarity grant EKAS will be gradually phased out by end-2019 by reducing it by; €570 million by 2017; €808 million by 2018; and €853 million by 2019.
- *Contribution rules.* The contribution and pension base for all self-employed will be broadened and modernized, including by switching from notional to actual income, subject to minimum required contribution rules. The state financed exemptions will be phased-out, and contribution rules for all pension funds will be harmonized by end-2019 with the structure of pension contributions in IKA, consisting of a 20 percent contribution rate taking into account specific provisions for farmers (complete harmonisation by 1 January 2022) and newly insured independent professionals (through lower contributions during the first 5 years of activity, to be repaid in full before the end of the 15th years of contributions and by one-fifth any time the annual gross personal income exceeds euro 18,000).

- Benefits for past higher contributions. Benefits should be provided in a fiscally neutral manner based only on accrual rates as defined in the primary law.
- *Joint liability.* Under no legislative act, decree or administrative act, will shareholders be held jointly and severally liable together with the legal person or entity for paying owed social contributions; directors and managers can assume such liability if and only if this liability is linked to fraudulent and negligent conduct.
- *Income base for self-employed.* The authorities will define the contribution base for the self-employed [before social security contributions] in agreement with the institutions.
- *Spending and contributions ceilings.* The ceilings will be set as temporary upper ceilings on the main pension payments of €2,000 per month and on multiple pensions at €3,000 per month (without any exemptions in both cases) and will be in force until end-2018. The ceiling for mandatorily insurable earnings for the calculation of the monthly insurance contribution of employees and employers, shall be ten-times the amount that corresponds to the entry-level basic salary provided each time for unmarried employees over 25 years old, currently at €586.08. This implies a ceiling for contributions at €5,860.80. Any reference to the minimum daily wage of an unskilled worker for determining pension rights is set as of the date of publication of Law 4387/2016.
- *Unified Harmonised benefit rules.* The rules on disability and contributory welfare benefits need to be unified by June 2017 in a way that does not increase expenditure
- *Recalibration.* The existing pensions will be recalibrated on the basis of the new parameters of the uniform pension rule applied to the pensionable earnings in current value, with the exception of OGA. The recalculation will be supported by the creation of automatic electronic records of retirees that, among other information, will include full details on the length of retirees' service histories and pensionable earnings. In cases these data are not possible to recover, imputation techniques to be agreed with the institutions will be used. For ETEAP insured persons retiring after the entry into effect of Law 4387/2016, accrued rights up to 2014 will be recalculated with an accrual rate of 0.45, to align them to the current NDC system and taking into account higher contribution rates than those specified with the harmonised contribution rules. The calculation of lump sum pensions will be revised to guarantee actuarial fairness.
- *Freezing of pensions.* The individual recalculation of the pension benefit must be finalised by end-December 2017 (key deliverable).
- *The recalculation and processing of pension applications.* At least 25% of all pension applications submitted between 12 May 2016 and end-December 2016 have to be recalculated and processed according to the new benefit rules (Law 4387/2016) by end-February 2017 and a further 25% by end-June 2017 without any disruption to finalising the calculation of final pensions to previous applicants.
- *Processing of pensions:* The authorities will record data on insured persons targeting those with longer service history ensuring that 50% of the relevant data are entered in the system by December 2017, and the remaining 50% by end- August 2018.
- *Governance of social security.* The merging of all social security funds - with the exception of the welfare functions of OGA, the guarantee and credit functions of TSMEDE and the functions of NAT not related to pensions – will be implemented and all existing governance and management arrangements of existing funds will be abolished after filing the financial statements but no later than April 2017.
- *Efficiency gains related to the merging of social security funds into EFKA.* The exact scope and timing for these efficiency gains will be set in an action plan to be adopted **as a prior action** with the support of technical assistance and will include binding quantitative targets for resource savings. Qualified personnel will be transferred to other administrations, including KEAO, the National Actuarial Authorities and EOPYY (the National Organisation for the Provision of Health Services), in order to strengthen their operational capacity.

- **Supporting documents: Ministerial Decisions:** All the necessary circulars (related to articles 7, 8, 12, 13, 28) and Ministerial decisions (related to articles 5.4, 38.8, 39.2, 39.18 40.12, 43.2, 45.5, 73.1, 52, 57, 70.3, 70.10, 73.2, 80, 81.1, 81.3, 86, 87, 89 and 92.4 in Law 4387/16).
- **Helios reports:** As a prior action, the regular publication of the Helios reports, whose structure and content will be defined in agreement with the institutions, will resume.

## N. Monitoring Healthcare Reform

### Prior Actions

#### Reduction of Sectoral Clawbacks

33. The structural measures, adopted in agreement with the institutions, will contain excessive spending on diagnostics, pharmaceuticals and private clinics, and other items in the EOPYY budget not covered by clawbacks.

#### Definitions:

34. **Excess spending.** This refers to the difference between actual spending and the clawback ceiling

35. **Sectoral Clawbacks.** This refers to the excess expenditure that needs to be paid back by the private sector for each sector covered by clawback ceilings (pharmaceuticals, diagnostics, private clinics) net of the negotiated rebates.

36. **Other items.** This refers to all other items in the budget of EOPYY under the category "Other Illness benefits" that are currently not covered by the three sectoral clawback ceilings and includes, but is not limited to, those items that have seen an increase in budgeted expenditure according to the latest projections (October 2016).

37. **Supporting documents.** These include documents containing a detailed assessment of the sources of excess spending by area and a detailed set of measures addressing the identified drivers of excess spending. All the proposed measures must be accompanied by (i) a quantification of savings and by (ii) a timeline of implementation and by (iii) a timeline of savings realisation. The proposed measures must be of adequate magnitude to be able to deliver a future reduction of 30% of excess spending. This must include, amongst other measures, the necessary legislation, primary and secondary, formalising the establishment of a new clawback covering items in the aforementioned category "Other items". The overall clawback ceiling of EOPYY for health services provided to it by contracted private providers and included in the category "Other Illness Benefits", will be set to cover the vast majority of the total budget for this category (1525 million in 2017, to decrease to 1462.5 million in 2018 and return to the 2016 level of 1402 million from 2019 onwards). If EOPYY implements measures to increase revenues sufficiently, the spending ceiling may increase up to 1.525 million in the budget of the relevant year.

#### Publication of November Price Bulletin

38. The publication of the November 2016 price bulletin will contribute to contain excessive spending on pharmaceuticals as well as to the broader goal to lower the prices of pharmaceuticals.

#### Definitions:

39. **Price bulletin.** This refers to the final version, after corrections and revisions, of the full list of pharmaceuticals that have undergone pricing and re-pricing, covering producer, wholesaler and retail prices, with a specification of

- a. the three countries used for reference with the source of the information;

- b. the price of the previous year;
- c. the price corresponding to a Defined Daily Dose (DDD);
- d. the reimbursement/reference price of current and previous year;
- e. ATC4 (or ATC5);
- f. data to identify and describe the listed pharmaceuticals (producer, formulation and pack, barcode, a unique identifier code allowing to compare current bulletins with past ones to be able to observe price trends.

**40.** *Supporting documents.* The excel spreadsheet containing pharmaceutical prices and all the above listed additional variables should be forwarded to the Institutions, alongside the relative Ministerial Decree legislating the new pricing round. In addition, these documents should be accompanied by a spreadsheet containing the formulas used to derive the proposed pricing, with the reference to the relevant legislation, and the list of all exceptions, together with its rationale.

#### **Profit Margins of Pharmacists**

**41.** These measures will aim at supporting the penetration of generics and correcting the current distortion causing the mismatch between recorded prescription of generics by doctors and the recorded final dispensing of generics to the end-users (patients) by pharmacies.

#### **Definition**

**42.** Structural measures to improve the incentive structure and profit structure of pharmacies: These refer to a change in the way profit is currently determined for pharmacists, to modify their incentives in order to promote the penetration of generics. This definition of generics does not include off-patents and aims to support the goal to increase the share of outpatient generic medicines in the market.

**43.** *Profit as a positive function of prices.* This refers to the situation in which the profit of pharmacists is higher if they sell a drug with a higher price, which currently creates an incentive to encourage the purchase of higher-price drugs.

**44.** *Supporting documents.* The authorities must publish a Ministerial Decision revising the way net profit is currently calculated for pharmacists so that it is not a positive function of prices of pharmaceuticals, or in an alternative way as long as it produces a clear incentive to support generics penetration. This Ministerial Decision must be preliminary agreed with the institutions. In order to weaken the link between profit and prices, the net profit margins will have to be set to make pharmacists indifferent, in terms of profit, between the sale of the cheapest available drug and any more expensive substitute drug., If that were not possible solely through the adjustment of the profit margins, supporting measures should be put in place to support the original measure on profit margins, including the adjustment of the prescription document retained by patients to display both the minimum and maximum price for the prescribed active substance and by setting a system of automatic checks for suspected irregular behaviour of pharmacists. This should be implemented by identifying outliers in terms of switching from a prescribed generic to a dispensed non-generic. Identified outliers should be subject to compulsory auditing and, where appropriate in case of assessed inappropriate behaviour, sanctions. In addition, the authorities should strengthen the existing tools for the monitoring of prescription by doctors, ensuring checks are automatic and that follow-up actions, such as the application of sanctions and/or penalties, are implemented to complement the checks.



## Monitoring of Deliverables

### Execution of claw backs and regular audit

**Deliverable:** Execution of claw backs and regular audit. Specifically:

- a. They will execute the clawbacks according to the periodicity specified in the relevant legislation and perform regular audits.
- b. They will apply and collect outstanding clawbacks, continuously until they are cleared, for pharmaceuticals, diagnostics and private clinics. As a **prior action**, the authorities will make use of the final results from the auditing of private clinics of 2013 submissions, to proceed to the settlement of any amount under dispute. In addition, **as a key deliverable** EOPYY will offset outstanding clawback amounts for past periods (2013-2015) with accumulated arrears **(50% by June 2017 and 50% by October 2017)**.
- c. They will continue to collect relevant data from EOPYY, the National Organisation for the Provision of Health Services, and regularly publish it **(for each month  $t$ , reports are due until  $t-2$ )**, including through monthly reports with analysis and description of detailed data on healthcare expenditure in the areas of pharmaceuticals, diagnostics and private clinics (including information on the progress against the expenditure ceiling and clawback execution).
- d. To assess and improve the performance of health care providers, EOPYY will carry out systematic monthly auditing of private clinics; the authorities will make use of the results of the monthly auditing to ensure regular clearance and settlement of outstanding amounts. A **note** on the outcome of the auditing will be released every six months (starting from December 2016).

## Legislation on Centralised health Procurement

**45. Key Deliverable.** As intermediate step the authorities will adopt the Law on centralised health procurement, which will implement the first concrete steps required in the Memorandum of Understanding towards reintroduction and strengthening of centralised health procurement; the authorities will also take concrete steps by December 2017 (and by December 2018, respectively), to increase: (i) the proportion of centralised procurement to 30 percent (and to 60 percent) of total hospital expenditure, (ii) the share of centralised procurement by hospitals of off-patent and generic pharmaceutical products by active substance to 1/2 (and to 2/3) of the total, in line with agreed targets.

**46. Definition.** Centralised health procurement refers to the process of procuring items featuring in the total expenditure of hospitals, including pharmaceuticals, medical equipment, consumables and services. This process should be open and transparent and, by being centrally organised, should exploit the increased efficiency of a single purchaser by procuring through most economically advantageous tenders (MEAT).

**47. Supporting material.** One legislative act is expected by March 2017, i.e. the Law on centralised health procurement. This Law should be accompanied by a document specifying a timeline of implementation of the overall plan on centralised health procurement, which should be used, by December 2017, to procure 60 percent of total hospital expenditure in terms of value and, by December 2018, to procure 80 percent of total hospital expenditure in terms of value. The plan should also contain a clear specification of the interim functioning of the existing centralised health procurement system, which should be guaranteed as functioning until the new system is ready to operate, as well as the Operational Plan, which contains the details behind planned implementation. Provide on a regular basis (every six months, March and September) data on the shares of total hospital expenditure procured through the centralized procurement system and data on the distribution of the total hospital spending on pharmaceuticals across generics and off-patents.

### Assessment of public sector capacity

**48. Deliverable.** Develop by June 2017 an assessment of overall public sector capacity, including PEDY and hospitals, by region and by specialty, including equipment and availability of services, and use this to commission private providers per region subject to insufficient public capacity (by September 2017);

**49. Definition.** The authorities must carry out an assessment of overall public sector capacity, similarly to what has been done for Primary Health Care, to ensure that recourse to private facilities is justified based on transparent criteria linked to the assessment of insufficient public capacity at a given geographical area and at a given time.

**50. Supporting material.** Reports on the various steps towards the formulation of the assessment should be provided well in advance of the deadline to be able to monitor progress. Alongside information on planned assessment of public sector capacity and parallel circulation of any preliminary set of information that should become available, the authorities should provide intermediate notes detailing how the system of e-referrals (see Deliverable "System of e-referrals" below) to private clinics under development will account for the assessment of public sector capacity.

### Reduction of Sectoral Clawbacks

**51. Key Deliverable.** By December 2017 adopt further structural measures, in agreement with the institutions, to contain excessive spending on diagnostics, pharmaceuticals and private clinics, and other items in the EOPYY budget not covered by clawbacks, as needed, to ensure that the estimated gap between spending for 2018 and the claw back ceilings is reduced by at least an additional 15 percent compared to the previous year. The achievement of the spending targets will be assessed biannually in June and December. Progress will be assessed regularly (bimonthly starting from November 2016).

**52. Definition.**

*Excess spending.* This refers to the difference between actual spending and the clawback ceiling

*Sectoral Clawbacks.* This refers to the excess expenditure that needs to be paid back by the private sector for each sector covered by clawback ceilings (pharmaceuticals, diagnostics, private clinics) net of the negotiated rebates.

*Other items.* This refers to all other items in the budget of EOPYY under the category "Other Illness benefits" that are currently not covered by the three sectoral clawback ceilings and includes, but is not limited to, those items that have seen an increase in budgeted expenditure according to the latest projections (October 2016).

**53. Supporting material.** These include documents containing a detailed assessment of the sources of excess spending by area and a detailed set of measures addressing the identified drivers of excess spending. All the proposed measures must be accompanied by (i) a quantification of savings and by (ii) a timeline of implementation and by (iii) a timeline of savings realisation. The proposed measures must be of adequate magnitude to be able to deliver a future reduction of 15% of excess spending. This must include, amongst other measures, the necessary legislation to introduce the proposed measures. Notes with clawback quantification (or estimates in their absence) must be provided in June and December.

### Roll-out of primary care

**54. Deliverables.** Adopt the necessary legislation for the implementation of the roll-out of Local Health Units and start the implementation. EOPYY to adapt the way it provides primary health care by introducing compulsory registration and gatekeeping. ;

**55. Definition.** The authorities will adopt the necessary legislation of the roll-out of Local Health Units (TOMYs) by May 2017. This law should envisage the implementation by June of 50 TOMYs, as the first step towards the establishment of at least 240 TOMYs by June 2018, thereby achieving coverage of 35% of the total population. As a precondition to the establishment of TOMY units, adequate training will

be provided to the staff. Within the same framework, EOPYY will adjust the way it provides primary health care by implementing compulsory registration with a GP, to act as a gatekeeper in charge of referrals to specialists, to become fully operational by 1<sup>st</sup> January 2018. As intermediate steps, by June 2017 EOPYY will adjust its current contracting of private GPs, for all patients to be registered with their GP by November 2017. As another intermediate step, by June 2017, the authorities will submit a full action plan, detailing the planned timeline of the roll-out as well as other relevant details such as the planned geographical distribution of TOMY units. In addition, by June 2017 they will formulate an action plan for the introduction of gatekeeping envisaged to be implemented by 1<sup>st</sup> January 2018(**key deliverable**). In this process, the authorities will ensure an efficient use of public resources by decreasing the stock of private GPs contracted by EOPYY by the corresponding amount of the new capacity created by the gradual establishment of new TOMYs. In other words, new capacity generated by new TOMYs will replace the supply by private GPs so as to avoid duplications. The authorities will incorporate this commitment in the abovementioned legislation to be adopted by May 2017.

**56. Concrete deliverables.** Legislation necessary for the roll out of primary care by May 2017: A note on short term training needs and planned implementation by May 2017. EOPYY to finalise the new contracting of private GPs by June 2017; action plans (roll-out plan and planned introduction of gatekeeping) to be received by June 2017, 50 TOMYs to be fully operational by June 2017, 200 by December 2017, 240 by June 2018. Implementation of gatekeeping to begin by 1 January 2018.

#### Academic curricula and training

**57. Key Deliverable.** Adapt the current system of learning and training to cater for the needs of the establishment of a nation-wide system of primary health care;

**58. Definition.** An adjustment of academic curricula and training must be carried out to ensure that the development of primary care can build on adequate capacity in terms of human resources. The proposed change must be commensurate with the expected necessities of the system. The creation/establishment/adjustment of academic curricula and or professional training must ensure that enough capacity is created to support the existing one and the proper functioning of the proposed primary health care system model.

**59. Supporting material.** By May provide a plan (first elements to be implemented within academic year 2017-18) in collaboration with the Ministry of Education, the medical faculties, the Central Health Board and the Medical Association to restructure academic curricula and specialty training in medicine in order to increase the availability and enhance the training of general practitioners.

#### System of e-referrals

**60. Deliverable.** Develop and document a plan to implement a new system of electronic referrals (e-referrals) to secondary care to be used by family doctors to pre-approve referrals to private sector providers

**61. Definition.** Develop and document, by June 2017, a plan to implement a new system of electronic referrals (e-referrals) to secondary care based on the e-record and integrated with existing protocols and guidelines. Priority should be given to referrals to diagnostics and elective surgery, for which the system needs to be developed by September 2017. By October 2017, this system, to pre-approve referrals to private sector providers, should also make use of all the available information waiting times (any available indicator at that time), and/or of the mapping of public sector (all the available information at that time).

**62. Supporting material.** Information notes on the various steps towards the development of the system should be provided, including initial planning, to be able to monitor progress on a quarterly basis, starting from June 2017. Alongside information on planned development of the system, appropriate legislation formalising the criteria to authorise the use of private sector providers must be drafted in parallel and shared by June 2017. The criteria should be linked to public capacity to provide the service in question

and to the waiting times to access it. Progress towards this long-term goal will be assessed every three months.

### Monitoring of waiting times

**63. Deliverable.** Reduce waiting times (including for elective surgery) in line with other EU countries and reduce unwarranted variation in waiting times across providers and patients (including across socio-economic and other patient characteristics).

**64. Definition.** Bring the level of waiting times in line with other EU countries, should it not already be in line. In addition, eliminate variation in waiting times within Greece. To determine this, start to publish the first available figures to reach 50% of the most relevant procedures by volume by June 2017. In addition, to support the efficiency of the system, the system of monitoring should be integrated with the system of e-referrals and finalised by December 2017, with a fully developed monitoring of patients' waiting times by treatment

**65. Supporting material.** To this end, the authorities will, by April 2017 (in excel format accompanied by a short explanatory note), start to publish the first available figures on waiting times and, by June 2017, they will publish waiting times for at least 50% of the most relevant procedures by volume (in excel format accompanied by a short explanatory note). The system of monitoring should be integrated with the system of e-referrals and finalised by December 2017, with a fully developed monitoring of patients' waiting times by treatment.

### Pharmaceuticals management

**66. Deliverable.** Further reduce pharmaceutical prices through the negotiating committee and HTA

**67. Definition.** They will make use of the negotiating committee to develop price volume and risk agreements, such as MEAs (Managed Entry Agreements), especially for innovative and high cost drugs. In deciding whether or not to introduce new innovative drugs in the positive list and in public hospitals, within the timetable specified in the European Directive 89/105/EC "Transparency Directive", they will duly take into account international best practice, i.e. innovative drugs cannot be added to the positive list unless having been previously introduced in [France, Sweden, Portugal, UK, Italy, Spain]. They will set-up a Health Technology Assessment (HTA) centre to evaluate which products to reimburse and under what conditions and agreements, in line with existing guidelines and with evidence of best-practice in the EU by December 2017. As an intermediate step toward the creation of a full-fledged operational HTA centre, they will establish an HTA Committee, responsible for carrying out a revision of all the innovative medicines introduced in the positive list since January 2013, with the aim of eliminating those that are not deemed to be cost-effective, according to international best practice (by April 2017).

**68. Supporting material.** They will report on the progress of the negotiating committee in developing price volume and risk agreements, producing explanatory notes in March and September. When necessary they will produce notes to document the decision making process prior to the introduction of new innovative drugs in line with international best practice and with EU Directives (as per above). They will document progress in terms of planned institutional settings, human resources and training, and regulatory framework needed to fully establish a HTA centre, producing explanatory notes every six months, in June and December, starting from June 2017.

### Increase generics penetration

**69. Key Deliverable.** Increase generics penetration by volume to 40 by December 2017; to reach 60 percent by December 2018).

**70. Definition.** This definition of generics does not include off-patents and aims to support the goal to increase the share of outpatient generic medicines in the market through the adoption of a potential array of measures changing incentives to providers and/or consumers in a way that would promote generics. Amongst other possible measures, public campaigning should be started and documented by February 2017

(and onwards); in general the authorities should introduce measures to increase the share of outpatient generic medicines by volume to 40 (by December 2017; to reach 60 percent by December 2018).

**71. Supporting material.** Evidence of introduction of measures and of progress towards generics penetration goals( share of outpatient generic medicines by volume to 40 by December 2017; to reach 60 percent by December 2018).

#### Adopt DRGs

**72. Deliverable.**Implement DRGs by June 2018.

**73. Definition.**Introduction of activity-based costing (DRGs or suitable alternative) under technical assistance with regular and documentable proof of progress towards the long-term goal (June 2018 all hospitals to be covered).

**74. Supporting material.** By June 2017, they will deliver a plan to adopt DRG or other international standard activity-based costing methodology in all hospitals and every six months document progress towards the implementation; by December 2017 they will start the gradual implementing of the new DRG or alternative activity-based costing system, in order to cover all hospitals to be covered by June 2018. Progress updates to be delivered every six months, **June and December.**

#### Recurring health care commitments (reporting and/or actions)

**75. Deliverable.**Maintain a regular flow of information concerning all the future deliverables, and especially regarding all the agreed commitments to regularly produce and circulate reports and/or compute/publish data and indicators.

**76. Definition.**A list of reports and recurring deliverables to allow for effective monitoring of progress in all areas.

**77. Supporting material.**

- a. Annual report on human resources for the whole health care sector to be used as a human resource planning instrument with a focus on PHC (1st report in **March** 2017); monthly EOPYY reports with analysis and description of detailed data on healthcare expenditure in the areas of pharmaceuticals (including information on the expenditure, the expenditure ceiling and progress in clawback execution distinguishing actual clawback and rebates),
- b. monthly EOPYY reports on diagnostics and private clinics (including information on the expenditure, the expenditure ceiling and progress in clawback execution distinguishing actual clawback and rebates) **should be received for each month  $t$  with until month  $t-2$ .**
- c. Financial reports of EOPYY **(should be received for each month  $t$  with until month  $t-2$ ),** which should contain detailed tables displaying the calculated amounts of clawbacks and rebate by each item of for which an expenditure ceiling is defined by law expenditure (pharmaceuticals, diagnostics, private clinics, other items), together with the collected and uncollected clawback amounts (by each item and distinguishing by pure clawback and rebates) ;
- d. a **note** on the outcome of the auditing of private clinics must be released and sent every six months (starting from December 2016); a report based on monitoring of unwarranted access to emergency care must be released every six months (June and December, starting December 2016),
- e. by April 2017 information notes with the first available figures on waiting times must be provided by June 2017; publish waiting times for at least 50% of the most relevant procedures by volume;
- f. produce and circulate quarterly (January, April, July, October) and yearly (March/April) reports on:

- i. a set of activity related (input, process, output, outcome) indicators for public hospitals;
  - ii. financial data for public hospitals;
  - iii. public hospital performance based on benchmarking indicators;
- g. issue the price bulletin every six months (May and November);
- h. update on a regular basis and at least every six months the positive and the negative list (March and September). Provide communication and explanatory notes on the regular update of the positive and negative list (March and September).
- i. circulate regular (on a quarterly basis) information on the calculation and planned execution of clawbacks and rebates including (total amount distinguishing clawback and rebates, amount collected)
- j. document systematically and provide progress notes on the finalization of the e-record for patients (progress to be assessed based on produced notes, which must be delivered every six months June and December);
- k. report on progress towards implementation of universal coverage and Primary Health care System (this will be assessed biannually in June and December).

## MONITORING OF FISCAL ACTIONS ADOPTED IN FIRST REVIEW

### O. Fiscal Measures entering into force in 2018

**78.** *Dodecanese reduced rate on alcohol excises:* the current 50 percent reduction of excise duties on alcoholic beverages in the Dodecanese islands will be removed from 1<sup>st</sup> January 2018.

**79.** *Overnight Stay Hotel tax:* a new "City tax" will be introduced from 1<sup>st</sup> January 2018 on hotels and rented rooms. On hotels the tax per room per night will be set at €0.50 for 1- and 2-star hotels, €1.5 for 3-star hotels, €3 for 4-star hotels, and €4 for 5-star hotels. For rental rooms the tax per room per night will be set at €0.25 for 1- and 2-key, €0.50 for 3-key and €1 for 4-key rented rooms.

**Σχόλιο [A3]:** Authorities to propose small revision to system for rental rooms.

### P. Attrition Rule

**80.** **Definition.** The ratio of hiring during the year (excluding carryover from previous years) to exits during the previous year (including retirements and separations other than due to disciplinary procedures or verified illegal recruitment) for the general government. Effective 2016, hiring or re-hiring resulting from Court decisions issued since 01.01.2015, including from the European Court of Justice, as well as those resulting from re-entering service due to the increase of statutory age of retirement, and mobility within the public sector (except from Chapter B companies) are exempt from the calculation. The ratio of hiring to exits due to disciplinary procedures or verified illegal recruitment is one to one.

**81.** **Supporting material.** Monthly report (15 days after the closing of each month) on the stock of total employment, new hiring and departures by entity for the general government of permanent staff include exits due to disciplinary cases and illegal recruitments as well as the stock of total employment by entity for the general government of both permanent and temporary staff. Monthly report on ESPA workers employed in the general government aggregated and by entity, also to be included to the Apografi database.

### Q. Contingent Fiscal Mechanism

**82.** **Definition.** For the purposes of paragraph 10a of article 233 of law 4389/2016 (FEKA94), the transition, from the general government result communicated by Eurostat to the terms of the Financial Assistance Facility Agreement, is made as defined in section G of this document, the resulting value being increased by the amount of any state expenditure in excess of 0.15% of GDP made as a result of standardized

guarantee calls pursuant to the provisions of sub-sections bb and cc of case a of paragraph 1 of article 1 of law 2322/1995 as currently in force.

**83. Definition.** *In the case where the contingency fiscal mechanism (Article 233, L. 4389/2016) is activated, the expenditure adjustments should be calculated taking into account any negative impact on general government revenues such as direct taxes and social security contributions that will result, so that the fiscal savings from these expenditure adjustments *net of any negative impact on revenues*, are equal to fiscal adjustment needed to correct any deviation identified (as outlined in paragraphs 3 and 10a of article 233 of L. 4389/2016). The net fiscal savings from the expenditure adjustments will be calculated by subtracting the following shares from the gross savings estimates: (i) pensions: 15 percent; (ii) wages and salaries: 45 percent; (iii) goods and services: 19.3 percent (iv) other categories: 0 percent. In the case where the contingency mechanism is activated and a Presidential Decree is issued to adopt expenditure adjustments, the maximum downward adjustment to discretionary expenditure categories will not exceed 5% the budget ceilings of the respective category for the year of application. Discretionary expenditure categories are defined as all those categories that do not involve pension benefits (main, supplementary, lump-sum, EKAS) nor public sector salaries/wages*

**84. Supporting material.** As outlined in paragraph 9 (b) of the legislated mechanism, in the event of under-performance in the real GDP growth rate in excess of 0.5 percentage points, the deviation to be corrected with expenditure cuts under the Mechanism will be reduced by half of the difference resulting from the projected real GDP growth rate in the table below and the real GDP growth rate as reflected in the annual ELSTAT announcement for March.

Table 8. Macroeconomic projections

	2015	2016	2017	2018
	Act.		Proj.	
Real GDP (bn EUR)	185.1	184.5	189.5	195.5
<i>y-on-y % change</i>	-0.2%	-0.3%	2.7%	3.1%

Source: Greek Authorities; EC, ECB and IMF staff.

## R. Independent Revenue Agency legislation

**85. Definition.** A primary legislation setting up the Independent Revenue Agency has been adopted in line with the agreed policy paper. Specifically, the Agency is an independent administrative authority, is not subject to hierarchical control of the Minister of Finance, has a Management Board and a Head selected in a transparent manner, has its own General Directorate for Financial Services and a minimum level of budget which will observe the overall spending limits of the MTFS across general government, has a flexible human resources policy taking into account the need for autonomy of the Agency, will benefit from recruitments needed to reduce the vacant positions to a normal level and consistent with the overall attrition rule of the general government, and has a sufficiently independent IT system through the a service level agreement to be signed as a Prior action.

**Supporting material:** Legislation, reports, or notes on each of the key actions above.



## MONITORING OF DELIVERABLES

### S. Merger of Pension Funds (End-December, 2016)

**86. Deliverable.** Complete the transfer of all insured individuals into a single social security entity.

**87. Definition.** A single unified pension fund (EFKA) for all retirees will focus solely on benefit expenditure and customer service with streamlined business processes, single management and unified account. By end-2016 all insured persons and related data will be merged and integrated into EFKA. All other social security funds with the exception of non-pension insurance activities of OGA, NAT and TSMEDE will be eliminated and all existing governance and management arrangements of these funds will be abolished after filing the financial statements but no later than March 2017. During a transition period, the collection of current Social Security Contributions from all funds will be integrated temporarily into EFKA; overdue SSCs will be collected by KEAO as a unit within EFKA. A single contributor register will be created by September 2016. Remuneration of staff of EFKA and selection for managerial positions and Management Board will be based on laws 4354/2015 on unified wage grid and 4369/2016 on selection of managers. Civil servants will not receive additional compensation for participating in National Social Security Council or other similar committees.

**88. Supporting material:** Reports on the various administrative steps and legislation towards the unification of benefits and the merge of collections into the tax administration.

**89. Merger of social security contributions**  
**Supporting material:** The authorities will produce by March 2017, a policy paper laying out the key features, steps and timeline of this reform

### T. Revenue Agency implementation

**90. Definition.** The revenue agency is fully implemented when the independent board is in place and it has elected its chair, when the legislation has been passed to allow for travel and accommodation expenses for the board members, when the budget has been voted and the GDFS is in place, when the 2016 recruitments took place and the Service level agreement has been signed and when all the key managers have been selected or assessed.

**91. Supporting material:** Legislation, reports, or notes on each of the key actions above.

### U. Revenue agency Human resources policy

**92. Definition.** The revenue agency human resources policy is defined when a policy paper has been adopted by the board of directors along the lines mentioned in Annex 1 ....

**93. Supporting material:** policy paper.

### V. Compliance strategy

**94. Definition:** The authorities have adopted a fully-fledged plan to increase tax compliance. They will inform the institutions on the follow up actions.

**95. Supporting material:** The authorities will produce before end April the decision creating the steering committee and the working group. The authorities will also produce before end July 2017 the operational roadmap drafted under the guidance of these bodies and the opinion IAPR board on this roadmap.

### W. Large Debtor Unit and KEAO triage of large debtors

**96. Definition:** The authorities will launch a process ensuring the triage of the large debtors on the basis of the analysis of economic and financial data to determine their viability, starting by the debtors of the Large debtors unit and of the KEAO. Internal circulars issued by the IAPR Governor and the [KEAO or EFKA] director will define the methodology for establishing the viability and capacity to pay of large tax and Social Security debtors. The circulars will require analyzing historical financial performance (when available) of the tax and Social Security debtors as well as their willingness to pay. The analysis of past financial performance (first stage of assessment) will take into account the following parameters: (i) the



growth of the company, measured as the sales over the last 3 years; (ii) profitability, measured as the ratio of EBITDA (earnings before interest, tax, depreciation and amortization) to turnover or to capital employed; (iii) liquidity, measured as the ratio of assets to short-term debt; and (iv) leverage ratio, measured as the ratio of debt to EBITDA or to equity. The analysis of willingness to pay will include: (i) paying patterns towards the IAPR and the KEAO, measured through the percentage change in the outstanding tax and Social Security debts; (ii) responsiveness, measured through the frequency and speed of the debtor's response to inquiries from the IAPR and KEAO; and (iii) settlement status, distinguishing whether the debtor is under a settlement plan and on track (i.e. not delinquent). Each of the above parameters will be given a weight, which will allow to attribute a score to each debtor and classify the debtor into viable, potentially viable, and non-viable group. The circular will set a deadline for the issuance of further guidance by end-September] to require an in-depth performance assessment second stage of assessment for the large tax and Social Security debtors for which it will be necessary. It will consist of an in-depth performance assessment, may be outsourced and may use information such as sector potential (e.g. growth potential of the sector and competition intensity), business performance (e.g. projected future financial performance, brand, product quality, quality of assets), and management quality (e.g. technical skills).

**Supporting material:** copy of the circulars issued by the IAPR Governor and the [KEAO or EFKA Director] describing the methodology to classify tax and Social Security debtors according to capacity to pay (as described above and in line with the PWC report).

## X. Monitoring proposed measures on smuggling

**97. Definition:** The authorities will produce data allowing the monitoring of the anti-smuggling strategy.

**98. Supporting material:** the following data will additionally be submitted: (i) for smuggling of fuel: VAT and excise tax receipts from energy products: petrol, diesel (heating and motor), LPG (heating and motor), kerosene, heavy fuel oil. Releases for consumption of energy products Number of GPS systems installed on tankers. Number of installations (fixed (above ground & underground) + mobile (land & maritime transport) involved and equipped with the inflow-outflow system, Fuel volumes included in monitoring system and as proportion of fuel production plus imports. Number of specific actions executed to combat fuel smuggling, initiated by the strategic / operational plan of combatting illicit trade of oil products (total + by agency involved); Number and quantity of fuel seizures made. Number of criminal prosecutions initiated in relation to fuel smuggling cases (outcomes of prosecutions to be included in implementation report); (ii) Similar indicators for alcohol and tobacco.

**99. Definition:** The authorities will produce and update an action plan on the implementation of an efficient fuel marker system. The plan will notably include the following: A draft of a Joint Ministerial Decision for the determination of technical matters concerning the marking of liquid fuels will be submitted to the European Commission by end June 2017. The public call of interest for submissions of proposals for a fuel marker system suitable for use will be published by the end of October 2017. The fuel marker/s system will be chosen by end February 2018 and a full scale application is expected in January 2019.

**100. Supporting material:** action plan monthly updates. Draft JMD. Craft notice on call for interest.

## Y. Publication of names of Tax and social security debtors

**101.** The authorities will publish and regularly update the list of large debtors of tax and social security contribution having 150 000 euros of debt and above for more than three month. Debt under an interlocutory injunction, a judicial decision, a suspension act of an administrative body, debt under an instalment schemes for which the conditions are being respected, debts characterized as uncollectible will not be published.

## Z. Property Valuation (End-June, 2017)

**102. Key Deliverable.** Align property assessment values with market prices.

**103. Definition. Definition.** Property assessment zonal values will be aligned with market prices with the assistance of Technical Assistance: (i) set up property revaluation working group and high-level steering group involving Bank of Greece and ELSTAT by end-May 2017; improve the capacity of the real property valuation unit by hiring an experienced valuator and team and by requesting technical assistance by end-June 2017; (ii) compile all required data, complete classification of properties and determine the nature of the value based and valuation methodologies relevant to individual categories of properties by end-July 2017; (iii) improve the capacity of the real property valuation unit by hiring experienced valuers and forming a dedicated property revaluation team by end-September 2017; (iv) develop permanent IT platform for property revaluation by end-September 2017; (iii) ensure full identification of property ownership through the existing cadaster of properties and cross-checking of all ownership interests with all individual properties by end-November; (iv) pass legislation to align property assessment values with market prices by end-December 2017; and (vi) issue ENFIA bills based on new assessment values by [end-March] 2018. In case the new property assessment values result in a short fall in ENFIA revenue against the budget target of €2.65 billion, the ENFIA tax base will be broadened and tax rates adjusted to reach that revenue target to preserve the fiscally neutral character of the reform.

## MONITORING OF FINANCIAL SECTOR CONDITIONALITY

### AA. NPL monitoring and targets for banks

#### 104. Key deliverable.

- Submit bank-specific targets for key operational and financial indicators, consistent with achieving reduction of the aggregate stock of NPLs to sustainable levels by the end of the programme, on a quarterly basis. (March, 2017)
- Publish KPIs for banks relative to agreed operational targets, on a quarterly basis. (End-November, 2016)

#### 105. Definition.

- *Monitoring framework:* It encompasses operational and financial indicators that enable the analysis of the evolution of the banks' NPE portfolios and allow for the identification of underlying drivers at the level of specific banks as well as the entire system. The monitoring framework will be based on reporting template "ECA 102" (revised ECA 42), which was extended to include all necessary data points on banks' NPL and NPE ratios, provisions, restructurings, collections, forgiveness and write-offs. Migration matrices will be used to monitor flows between relevant loan states in line with the EBA reporting standard. Information on the distribution of loan reductions as a result of modifications and redefault rates will be used to analyze the sustainability of restructuring agreements. The efficiency of the restructuring procedures will be measured by operational indicators that follow restructuring cases along key process steps such as client contacts, offer and acceptance of solutions. Banks will submit data to the BoG, initially on a quarterly basis, on a solo basis (foreign operations will be excluded) segmented by portfolios: (i) Consumer, (ii) Residential mortgage, (iii) SBP, (iv) SME, (v) corporate (excl. shipping), (vi) shipping. From end-2017, after banks have established internal processes to automate reporting as much as possible, data will be submitted on a monthly basis.
- *Targets.* As of July 1, 2016, a subset of the monitored indicators has been set as forward-looking targets, initially covering NPE/NPL evolution, sustainability and procedural indicators. The calibration of the targets is agreed per bank and – where appropriate – at sub portfolio level. The targets are consistent with achieving a reduction of the aggregate stock of NPLs to well-defined sustainable levels by the end of the target horizon.
- *Frequency.* Targets are defined for a three-year horizon; for the first year on a quarterly basis for the following year (four quarters), and for the then following two years on a yearly basis. The targets have been established for the first time for the third quarter of 2016, and agreed with the banks by June 2016. The targets will be updated on a quarterly basis considering past performance as well as changes to a bank's NPL strategy and reflecting changes in the economic, legal and operational environment.

**106. Supporting materials.** Quarterly and – as soon as available – monthly data reported according to the extended template "ECA 102" for each of the individual banks as well as aggregated on system-wide level. Targets for individual banks as well as aggregated on system-wide level. The BoG will also make available any analytical reports derived from the banks' data submissions.

### BB. Roadmap for the relaxation of capital controls (prior action)

**107. Prior action.** Adopt and publish a milestone-based roadmap for the liberalization of capital controls.

#### 108. Definition.

- The roadmap will describe the sequencing of steps towards the relaxation of currently applicable capital controls and withdrawal restrictions. These steps will not be time-

bound and will be objectively connected to measurable signals of the state of confidence in the banking system. To that end, the Bank of Greece will report liquidity and funding indicators to the institutions.

**109. Supporting materials**

- *Reporting entities.* Bank of Greece will submit to the institutions bank-specific data for each of the systemic institutions and aggregate data for the remaining of the sector in a timely manner.
- *Monthly data on deposits.* Deposit stocks will be reported by category (individual, business, government), by size bands (e.g. [5k, 50 k, 100k, 500k, 1m, 5m, 10m]), by domicile (Greece, EA outside Greece, outside EA), by type and maturity structure (current account, time deposits by the remaining months until maturity, savings) and by currency. The number of accounts and the number of depositors in each size band and depositor category will be reported. Flow transactions will be reported gross and by category (cash pay-ins and withdrawals, wire incoming and outgoing transfers by domicile of the counterparty).
- *Liquidity indicators.* In addition to banks' cash buffers, monthly data will be provided on banks' liquidity buffers, including unencumbered collateral at book and estimated liquidity value.
- *Funding data.* Monthly data on funding will distinguish between central bank funding, private market refinancing transactions (secured repos and unsecured borrowing) and intra-group transactions.

## CC. Out-of-Court Workout (OCW) Law (prior action and key deliverable)

**110. Prior action.** Establish legislation to improve the effectiveness of the out-of-court workout mechanism. Complete and enact all implementing actions of the OCW law.

**111. Definitions.** The OCW legislation will specify:

- *Scope of the regime.* The OCW legislation will be applicable to all enterprises, including individual entrepreneurs. All elements of debt, towards the State, social security and private sector, should be considered as part of the restructuring plan. All elements of debt should be eligible for write down with the exclusion of withheld taxes and social security contributions for employees.
- *Extent of subordination.* 95% of tax related fines and 85% of surcharges will be subordinated to all other private and public claims.
- *Information requirements.* Access to the debt restructuring mechanism will require the debtor to share information on all his debts, assets, and sources of income.
- *Eligibility test.* The legislation will define basic principles for an eligibility test, using standard metrics (e.g. positive EBITDA) which will serve as a preliminary filter to exclude enterprises that are clearly not viable.
- *Debt restructuring proposals.* For viable debtors these will specify – commensurate with the complexity and size of the case – the contents of the restructuring measures (among others, rescheduling, write-downs, debt/equity swaps, or a combination of measures) designed to restore the debtor to long-term viability, based on, where applicable, market valuations of assets and projections founded on accurate financial statements and credible business plans. The plans can also include operational restructuring measures (changes in management, fixed assets, commercial relationships, etc.). No debt restructuring proposals will be offered to unviable debtors.
- *Coordination and decision making mechanism.* The law will require that debt restructuring agreements be adopted by qualified majority of voting creditors, and that non-action by creditors duly notified to participate will not prevent adoption of debt restructuring agreements if the attendance quorum has been met.

- *Rapid court confirmation.* The law will set a short period for the possible ratification of debt restructuring agreements by the courts. However, the agreement will take effect upon its conclusion and the court may grant interim measures to prevent enforcement action by dissenting creditors while the confirmation application is being processed, at confirmation, the court can examine complaints presented by dissenting creditors.
- *Stay of creditor actions.* The law will stipulate a stay of creditors' actions only after the completeness of the application of eligible debtors has been determined and the invitations to take part in the proceedings have been sent to the creditors. The stay will be automatically lifted in case the participation quorum is not reached. The initial stay period may be extended, for a maximum period of four months, by means of a court order provided the participating creditors representing the majority of claims consent.
- *Link with insolvency legislation.* The law will facilitate the initiation of the insolvency procedure in case of lack of compliance with the restructuring plans or in case the debtor has been assessed as non-viable.
- *Treatment of guarantors:* the law will protect the position of those creditors who benefit from the guarantee of a third party and wish to enforce the claim against the guarantor, without jeopardizing the restructuring process of the main debtor.
- *The implementation of the debt restructuring procedure will require the following actions:*
  - The SecPD will have posted on its website an invitation to submit expressions of interest to be listed in the Coordinator register. The SecPD will have put in place all necessary processes to appoint all coordinator positions within 10 business days after the lapse of the application deadline.
  - The SecPD will have published the criteria applied for rationing applications, in order to enable the smooth processing of applications. The criteria, which will have been consulted with creditors (including banks – also as presented by the Hellenic Banking Association – and public creditors such as the tax administration and social security entities) and aim at maximizing the amount of claims processed, will be ambitious in order to maximize the number of cases handled in any given time period, and provide adequate incentives for involved parties, including creditors, to maximize their case handling capacity. The criteria will also provide for a fair treatment across all classes of borrowers. The criteria will have been published on the SecPD's website. The SecPD will also have put in place initial processes and means to monitor the progress of cases and to identify potential operational and policy impediments.
  - The SecPD will implement and operationalize the first functional package of the web-based system used to file and process applications and eventually to handle the majority of case-specific communications. The first functional package will provide a website where applicants can submit applications and all supporting documentation as required by the law, without resorting to paper-based communication between borrowers, creditors (public and private), coordinators and the SecPD, for the initial application step.
  - The SecPD will select and register all coordinator positions, will provide training to the coordinators and establish the necessary processes and organization for the supervision of coordinators.
  - The SecPD will prepare and post on its website educational material targeted to i) borrowers, including less-sophisticated ones, and ii) relevant professionals such as lawyers, coordinators, accountants, banks, etc. providing detailed information about the OCW process and the rights and obligations of all involved parties. The SecPD will also hold scheduled trainings and seminars for coordinators and relevant professionals.
  - The adoption of Ministerial Decisions specifying the procedures, conduct and actions of the tax administration and social security officials in debt restructuring procedures for the treatment of public claims, as far as these are necessary for the effective implementation of the law.

- The SecPD will have developed a comprehensive project plan for the extension of its IT-supported platform for the sharing of debtor-related information between banks, tax administration and social security entities. This project plan will be agreed by all stakeholders involved in its implementation and will aim at full implementation and operationalization by September 2017.

## DD. Implementation of Code of Civil Procedure and Insolvency regime (prior action)

**112. Prior actions and key deliverables.** Adopt primary and secondary legislation to facilitate electronic auctions in line with the amended CCP and to develop the institutional framework for insolvency administrators. Implement the electronic auctions platform and publish the notice of the examination for the certification of insolvency administrator.

### 113. Definitions.

- *Secondary legislation for insolvency administrators.* This includes the Presidential Decree for the regulation of Insolvency administrators and the following regulatory actions: i) Internal Regulation of the Insolvency Administration Committee, ii) decision of the competent authority regarding the examinations, iii) joint decision of the Minister of Finance and the Minister of Justice on remuneration of the examiners and fees to be paid by candidates, iv) decision of the Minister of Justice, establishing a code of conduct for insolvency administrators, v) decision of the Minister of Justice for continuous training, vi) decision of the Minister of Justice for the initiation and conduct of disciplinary procedures.
- *Enrolment of successful insolvency administrator applicants into the registry.* On completion of the examinations for the certification to be conducted in accordance with above secondary legislation, and upon fulfilment of all regulatory requirements, the Insolvency Administration Committee will enroll the successful candidates in the registry and the registered insolvency administrators will be able to assume the functions assigned to them by the insolvency code by July 2017.

*Electronic on-line auctions in civil procedure.* A law introducing amendments to the CCP and a Ministerial Decision will provide for the regulation of electronic auctions of seized property. An electronic auction system is based on the principles of fairness, transparency and value maximization of the proceeds through enhanced competition by providing easy and economic access to all interested parties, while guaranteeing legal certainty and security. The system requires a web portal to provide publicity for the auctions, including information about the assets to be auctioned (description, legal certificates, valuation reports, photographs, etc.). The web portal is connected to a functional platform where auctions are performed. In order to participate in auctions, it is necessary for natural or legal persons to obtain a registration. The registration procedure is designed to allow easy and secure access. The assets to be auctioned are listed in the platform, which incorporates a search engine. Auctions are initiated after a specified period after the asset appears on the webpage. Once an auction starts, registered persons can submit bids during the period specified for the conduct of the auction. Any bid has to be submitted by safe electronic means, with appropriate certification. Every time a person submits a bid, the system sends a receipt notification, specifying the time the bid was received and the amount. The system publishes, in real time, the highest current bid and its amount, without publishing the identity of the bidder or the number of bidders. A valid bid must be superior to the latest published bid. The bidding ends at the end of the specified period with a possibility of a final extension in the event of submission of last-minute bids. The system ensures compliance with the deposit and payment obligations of the bidders. The results of the auction are certified by the person responsible for its conduct. In the certificate, the system includes the whole list of received bids in chronological order, with identification of the bidders. Implementation of the electronic auction system requires the design and launch of the platform by specialized experts. The system is built in a safe architecture, ensuring certainty and safety of communications, full recording of time sequences, traceability of all actions and future expandability. The legal amendments will include transitional rules that will allow creditors to opt for the electronic auction system even when the seizure of the assets occurred at any time prior to the modification of the

legal regime. A pilot platform should be ready for testing by the time of the adoption of the law and Ministerial Decision.

- The finalized platform should be available for the conduct of electronic auctions as of May 2017.

## MONITORING OF PUBLIC ASSETS CONDITIONALITY

### EE. Management, Investment and Privatization of Public Assets

- **Definition.** Proceeds from the privatization of assets included in the Asset Development Programme of HRADF (Annexed in the MOU and approved by KYSOIP on 26/4/2016) will be treated as below the line. All proceeds are deposited to the special segregated account for the repayment of debt.
- HFSF will continue to make payments to the State in accordance with the HFSF law and the relevant legislation.
- Profits generated by the new Management, Investment and Privatisation Fund (HCAP) will be split as follows:
  - 50 percent will be paid as dividend to the Hellenic Republic to be used to repay debt in accordance with law 4336/2015;
  - 50 percent will be used for investment purposes.
- The overall fiscal and accounting treatment of the profits of the Management, Investment and Privatisation Fund (HCAP) will be clarified after its full operationalization and the adoption of relevant Internal Regulations.
- The list of State-owned enterprises to be transferred to the Management, Investment and Privatization Fund (HCAP) is provided in the Annex (Table 12).

## MONITORING OF ACTIONS RELATED TO REGULATED PROFESSIONS

**Σχόλιο [A4]:** To be finalized during the mission

Profession	Restriction to be eliminated	Timing

## MONITORING OF THE ENERGY SECTOR

### FF. RES account balance

**114. Deliverable.** Implement the revised legislation on the RES account by applying the adjustment mechanism for December 2016 with adjustments applying as of 1 January 2017, as specified in the legislation approved in October 2016.

**115. Definition.** The decisions which adjust the unit charges of the ETMEAR shall be taken with the aim of eliminating the accounting debt (total of the cumulative accounting debt of previous years and the accounting deficit of the current year) of the special account for the RES and HECHP interconnected system and grid by the end of the calendar year in which those decisions are applied.

In particular for the year 2017, the abovementioned adjustment of the unit charges of the ETMEAR shall be implemented by the RAE by decisions adopted in December 2016 and in the months of March, June and September of 2017 (hereinafter adjustment months), and the resulting prices for those charges shall apply from the first day of the month following the adjustment month.

In the adjustment months referred to in the previous sentence, if the difference in the current accounting debt of the special account for the RES and HECHP interconnected system and grid, on the basis of the latest available actual data, is greater than 15 million euro compared with the corresponding evaluation of the accounting debt at the same time point as evaluated in the previous adjustment month in accordance with the above, the RAE shall calculate the amount of the ETMEAR in such a way that the above difference is covered in the following months up to December 2017 and the cumulative accounting debt of the special account for the RES and HECHP interconnected system and grid is eliminated by the end of December 2017.

Table 13. RES Account Balance Forecast (LAGIE, October 2016).

	Inflows	Outflows	Monthly Deficit	Cumulative Deficit (Debt)
<b>Sep 16</b>	130,30	-165,77	-35,47	-284,08
<b>Oct 16</b>	140,29	-154,50	-14,21	-298,30
<b>Nov 16</b>	139,65	-129,02	10,63	-287,67
<b>Dec 16</b>	154,43	-121,47	32,96	-254,71
<b>Jan 17</b>	181,76	-128,80	52,96	-201,75
<b>Feb 17</b>	170,31	-119,45	50,86	-150,89
<b>Mar 17</b>	178,96	-151,12	27,85	-123,04
<b>Apr 17</b>	163,56	-166,85	-3,29	-126,33
<b>May 17</b>	160,55	-171,34	-10,79	-137,12
<b>Jun 17</b>	180,06	-167,98	12,08	-125,03
<b>Jul 17</b>	210,54	-188,09	22,45	-102,58
<b>Aug 17</b>	200,89	-191,41	9,48	-93,10
<b>Sep 17</b>	170,42	-167,87	2,55	-90,55
<b>Oct 17</b>	163,95	-157,86	6,09	-84,45
<b>Nov 17</b>	163,53	-132,76	30,78	-53,68
<b>Dec 17</b>	182,01	-125,83	56,18	2,50

**116. Supporting Material.** All data produced by LAGIE regarding the RES account balance, as provided to RAE for its quarterly decision on the ETMEAR adjustment.

GG. [Provision of information and data regarding NOME and DEPA auctions, etc.]

**Σχόλιο [A5]:** To be completed once SMOUenergy section is agreed.



## **Annex 1: Key elements of the Human resources policy of the Independent authority for public revenue**

The Agency HR policy will be consistent with the 2016 MAREG legal framework, taking into account the need for autonomy of the Agency

- 1) There should be **two dimensions of HR policy**:
  - a. A policy definition applicable for the mid term
  - b. A transitional policy to ensure a proper transition from the current system to the new one.
    - i. The policy decided by the Board should encompass both dimensions.
- 2) The **main elements determining the individual remuneration** of any staff should be:
  - a. The **remuneration for the position** he holds, linked to the **job description**
  - b. For each job described position there will be a **remuneration band**.
    - i. Each band would have a minimum salary<sup>9</sup>, and there would be a series of salary steps within each band.
    - ii. These steps would be more limited than in the current MAREG system which envisages a series of salaries steps over the whole career.
    - iii. The staff would **progress through the salary steps unless he does not meet performance standards in the yearly assessments**.
    - iv. Every year some staff, showing high level performance, **could move faster through the steps**, but only a limited and pre-defined percentage of the overall staff could be offered this incentive.
  - c. Once a staff reaches the top step of his job description the only way for him to further improve his remuneration would be to apply and be selected to a job described position in a higher remuneration band.
- 3) **To occupy a job description**:
  - a. The staff would need to meet a certain number of conditions:
    - i. In terms of formal qualification (diploma, tax academy qualifications, qualifications gained in the course of its career, such as vocational and professional qualification,
    - ii. In terms of demonstrated competences acquired with experience, both in the public administration and in the private sector,
  - b. And the staff would need to apply, to justify its application, its capacity to fill the position, and finally to **succeed in passing through a selection process**.
- 4) **Hiring**
  - a. External recruitment will follow the existing ASEP procedures, but will be based on the criteria set by the Authority
  - b. Temporary contracts will be possible, under the MAREG legislation conditions.
- 5) **This policy needs to be largely consistent with MAREG legislation framework**.
  - a. The legislation recognizes job description, private and public sector experience, performance based increase of remuneration band.

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<sup>9</sup> The salary bands are likely to have some overlap – the top of one being above the bottom of the next. There would be a minimum salary, normally for newcomers. For others the system would ensure there is a pay increase on promotion to the next job described position. The system should also avoid that people who move through the grades reasonably quickly do not jump to a salary much higher than anyone in the previous grade if they themselves had not reached the top at the point of promotion.

Table 9. Key Performance Indicators on Tax Administration  
[Table to be updated. See excel file]

Indicator	2017 Target				2018 targets	
	End-Mar.	End-Jun.	End-Sep.	End-Dec.	End-Mar.	End-Jun.
<b>Debt collection</b>						
Collection of tax debts as of the end of the previous year 1/	0.890	1.620	2.210	2.700	.0979	1.782
Collection of new debts in the current year (percent of new debt in the year) 1/	13%	16%	19%	24%	16%	19%
Collection of debts by Large Debtor Unit 1/	165	341	495	690	170	367
<b>Audits of fresh tax cases by the whole GSPR</b>						
Percent of tax audit cases in total completed audits 2/	60%	60%	60%	60%	70%	70%
<b>Tax audits and collection of large tax payers</b>						
Collection after audits in the year (percent of assessed tax and penalties) 1/	42%	41%	41%	41%	60%	60%
<b>Audits and collection of high wealth individuals</b>						
Collection after audits in the year (percent of assessed tax and penalties) 1/	24%	24%	24%	24%	16%	23%
<b>Taxpayer service</b>						
Percent of VAT tax refund claims paid or rejected within 90 days 3/	60%	65%	58%	70%	67%	73%
<b>Compliance and enforcement</b>						
Percentage of total tax paid on time for VAT, Income and Property taxes 4/	81%	83%	82%	83%	82%	83%
Percentage of debtors under enforcement measures 5/	47%	51%	54%	57%	53%	54%
<b>Pre litigation phase</b>						
Percentage of cases closed by explicit decision of the Dispute resolution Unit 6/	58%	77%	93%	95%	75%	80%
<b>Customs inspections</b>						
Control by mobile units	3 100	7 500	11 000	15 400	4 000	9 050

Source: Greek Authorities; EC, ECB and IMF staff

1/ Cumulative targets from the beginning of each year. Targets for old debt collection and large debtor unit collection are in millions of euros.

2/ Cumulative from the beginning of the quarter. The ratio is calculated as follows. The numerator is the number of audit cases closed during the quarter, where none of the tax returns subject to audit concerns tax periods dating more than 5 years back counted from the beginning of the current year. The denominator is the total number of audits closed during the quarter.

3/ The KPI is a ratio: Numerator: Number of VAT refund claims processed within 90 days during the quarter (even if they originate from the previous quarter) Denominator: Sum of

(Numerator + Number of pending VAT refund claims, for which 90 days have passed at the end of the quarter). The 90-day period refers to the period between a claim is made and final payment to the claimant is completed or the taxpayer is notified that the claim can be paid, or an offset has been made, or the claim is rejected.

4/ The numerator is tax liabilities paid by due date from the beginning of the year to the quarter-end; the denominator is total tax liabilities assessed that should be paid from the beginning of the year and to end of the quarter. The numerator only takes into account the assessed tax liabilities of the denominator. Tax assessed and immediately cancelled are not taken into consideration in the total tax liability assessed.

5/ Enforcement measures are wage, income or assets seizure (including e-garnishment), putting a lien on assets, mortgage in favour of the Tax Administration, auctions, and freezing of assets. Installment schemes or prosecution are not considered enforcement measure. The denominator is the number of debtors who can be subject to enforcement measures. Target is calculated on data at the end of period.

6/ The suspension requests are not taken into consideration for the calculation. Quarterly data and targets.

Table 10. Key Performance Indicators on Public Financial Management 1/

Indicator	2016 Actual				2017 Target				2018 Target	
	End-Mar.	End-Jun.	End-Sep.	End-Dec.	End-Mar.	End-Jun.	End-Sep.	End-Dec.	End-Mar.	End-Jun.
1. Ceiling on average period for expenditure payments or rejection after receipt of invoices by state government, including ministry of finance and line ministries. 2/										
Ceiling on number of days	33	40	57	53	50	40	29	29	29	29
2. Ceiling on unprocessed main pension applications in thousands.										
Ceiling on pension applications		149	118	114	100	90	80	70	60	50
3. Floor on percentage of all social security funds-to-EOPYY actual transfer of the amount that should be transferred. 3/										
Floor on percentage	85%	-	79%	-	90%	90%	92%	94%	96%	98%
4. Floor on percentage of number of claims submitted by public hospitals to EOPYY for insured patients electronically. 4/										
Floor on percentage		-	-	-	99%	99%	99%	99%	99%	99%

Sources: Greek authorities; and IMF staff.

1/ Cumulative targets from the beginning of the year unless otherwise specified.

2/ Applies to all invoices received since January 1, 2017. The average period is calculated on all the invoices paid or rejected during the quarter, and invoices still pending beyond the

3/ The ratio in percentage is calculated as follows. The numerator is the amount of cash transfer to EOPYY and the expenditure paid by all social security funds on behalf of EOPYY during

4/ The ratio in percentage is calculated as the number of claims (invoices and associated documents) using KEN-DRGs and/or hospital fees submitted to EOPYY electronically for insured

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Table 11. Key Performance Indicators on Social Security Contribution 1/

Indicator	2017 targets				End-Mar	End-Jun
	End-Mar.	End-Jun.	End-Sep.	End Dec		
<b>Social Security Fund Payment Compliance</b> Percent of total invoiced or declared current-year SSC amount paid to the fund 2/ EFKA	85%	86%	88%	89%	91%	92%
<b>KEAO Collection Performance and Enforcement</b> Collection of SSC debts transferred to KEAO 3/	252	504	755	1 007	356	534

1/ Cumulative targets from the beginning of each year.

2/ For each reporting period, social security fund payment compliance is calculated as the amount of current year SSC paid to the fund divided by the amount invoiced or declared, expressed as a percentage.

3/ In millions of euros.

Table 12. State Owned Enterprises to be transferred to the HCAP

**Σχόλιο [A6]:** To be updated in line with negotiations

a/a	Company	Sector	Instrument
<b>IMMEDIATE TRANSFER BY LAW</b>			
1	OASA	Transport	By law
2	Bus Transportation of Athens (OSY) S.A	Transport	By law
3	Urban Rail Transport (STASY) S.A	Transport	By law
4	Hellenic Railway Organization (OSE) S.A	Transport	By law
5	Olympic Athletic Centre of Athens (OAKA)	Sports	By law
6	Hellenic Post (ELTA) S.A	Post	By law
<b>DEFERRED TRANSFER BY SEPTEMBER 2016</b>			
1	Thessaloniki Water Supply & Sewerage (EYATH) S.A	Infrastructure	By law
2	Athens Water Supply & Sewerage (EYDAP) S.A	Infrastructure	By law
3	Hellenic Vehicle Industry (ELVO) S.A	Defence	By law
4	Attiko Metro S.A	Transport	By law
5	Building Infrastructure (KTYP) S.A	Construction	By law
6	Public Power Corporation (PPC) S.A	Energy	By law
7	ADMIE	Energy	By law1/
8	Hellenic Aerospace Industry (EAV) S.A	Defence	By law2/
<b>FINAL LIST FOR FINAL ASSESSMENT BY DECEMBER 2016</b>			
All remaining SOEs to be assessed 3/			

1/ To be transferred when ADMIE deal concluded (specified in MOU). The transfer to the Fund of any ADMIE shares that will be owned by the Hellenic Republic will have respect the governance structure of the company, which will be defined when the planned transaction to accomplish ownership unbundling of ADMIE will be completed.

2/ The Authorities and the institutions will review the operations of EAB by June 2016 to assess to what extent they are broadly commercial and should to be included in the new Fund, or whether they predominantly fulfil the needs of the Hellenic Armed Forces which gives rise to compelling national security exemption from new Fund

3/ EKXA will be included in this review