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Announcement on the Irreversible Conviction of Former President of ELSTAT Andreas Georgiou for Violation of Duty

The Supreme Court of Greece has decided to reject the request of Andreas Georgiou, former (2010-2015) President of the National Statistical Institute of Greece (ELSTAT), for annulment of his conviction by the Appeals Court for alleged violation of duty. The reasoning of the court has not yet become public and some of the points made below may be further elaborated once the text of the decision is issued.

Andreas Georgiou was charged with allegedly violating his duty by refusing to submit the 2009 government deficit and debt statistics of Greece for approval to a board that existed at ELSTAT before transmitting them, in November 2010, to Eurostat. However, in doing so the former President of ELSTAT was simply following the European legal framework—that had already been transferred to the Greek legal framework—which states in the [European Statistics Code of Practice](#): “The heads of the National Statistical Institutes ... have the sole responsibility for deciding on statistical methods, standards and procedures, and on the content and timing of statistical releases.” This principle is an essential part of the professional independence required in the production of European statistics and is provided for both in the European Statistical Law (Reg. 223/2009) and in the Greek Statistical Law (Law 3832/2010) that also established ELSTAT.

It is principles such as professional independence that were not observed during the long period of “[greek statistics](#)” prior to Andreas Georgiou’s term. By implementing unswervingly these principles ELSTAT during Andreas Georgiou’s term built from scratch the credibility and quality of Greece’s European statistics. And of course, the statistics and the processes of their production are inextricably linked. We note that the figures released by the former President of ELSTAT (and their methodology) are still recognized by the Greek Government and have served as the basis for all the negotiations between Greece and its creditors, both official and private, from end-2010 till today. Thus, we arrive at the schizophrenic situation whereby the Greek Government through two of its branches (legislative and executive) recognizes the accuracy of A. Georgiou’s statistics, but it prosecutes him through the third branch, the judicial, because he supposedly failed to do his work well!!

For his insistence on implementing European statistical principles Andreas Georgiou was subjected after five years of judicial procedures—with several proposals for acquittal by assigned investigating judges and prosecutors being rejected along the way—to trial in December 2016 and was unanimously acquitted by the First Instance Court. A few days later, without the rationale of the Court’s decision even having become available, his acquittal was annulled. The annulment was unjustified because, among other things, it lacked the necessary information about the rationale of the acquittal decision. He was subjected to a second trial for the same alleged crime, this time by the Appeals Court, where he was finally found guilty. The Appeals Court relied on a wrong translation of the European Statistics Code of Practice (indeed ignored the official Greek language version of the Code on Eurostat’s website and which had been read

out in Court (as document no. 14)) and generally misinterpreted the EU and Greek legal framework for European statistics (including the directly relevant clarifying provision of Greek law 3899/2010). The Court of Appeals also disregarded the court testimonies of European official statisticians and EU officials on the correct interpretation of our common EU legal and institutional framework.

It was on the basis of these errors in the legal process that Andreas Georgiou sought to annulment of the conviction. The Supreme Court obviously did not consider these troubling errors enough to grant annulment of his conviction. Moreover, since the conviction was based on the interpretation of European legislation, the former President of ELSTAT requested to have that issue referred to the European Court of Justice for a preliminary ruling. According to Andreas Georgiou's lawyers, the failure of the Supreme Court to refer that interpretational question to the European Court of Justice (as provided for in article 267 of the Treaty on the Functioning of the EU) suffices to establish that his right to a fair trial was violated.

Irreversibly convicting Andreas Georgiou for not allowing voting on European statistics makes this a bleak day for European statistics and for official statistics around the world. It is a blunt affirmation that professional independence in the production of European statistics cannot be protected within the EU from national level political interests. It is also a reminder that human rights cannot be taken for granted in Greece, or more broadly, in the European Union.