

Presidential Decree 198/90

Presidential Decree 198/90 on the Operation and Powers of the Board of Directors of the Organisation for Mediation and Arbitration

THE PRESIDENT OF THE HELLENIC REPUBLIC

Having regard to:

1. the provisions of Article 17 of Law 1876/1990 "Free Collective Bargaining and Other Provisions" (Government Gazette A' 27); and
2. opinion No. 235/1990 of the Supreme Administrative Court, on a proposal by the Ministry of Labour, we hereby decide:

Article 1 - Members of the Board of Directors

1. The Board of Directors (hereinafter referred to as the "BofD") of the legal person in private law with the name "Organisation for Mediation and Arbitration" (hereinafter referred to as "OMED") shall be established as specified by the provisions of Article 17(1) of Law 1876/1990 "Free Collective Bargaining and Other Provisions" and the provisions hereof.
2. The agencies referred to in Article 17(1) of the said law shall designate one regular and one alternate member each, following an invitation in writing by the Minister of Labour, eventually applying the provision of Article 8(5) of Law 4346/64 "Organisation of Protection Services etc."
3. An alternate shall also be appointed for the person referred to in Article 17(1) (g) of Law 1876/90.

Article 2 - Special Appointment Procedure

1. The members referred to in Article 17(1)(a)-(f) of Law 1876/90, after being designated by the competent agencies and before being formed into a body by a decision of the Minister of Labour, shall be invited by the Minister of Labour to meet at a specified time and place in order to appoint the member referred to in Article 17(1)(g).
2. The members so designated shall meet and elect the Chairman of the special meeting by secret ballot.
3. The special meeting shall be in quorum when the majority of the members designated are present and shall decide by a show of hands and an absolute majority of those present. If two votes are fruitless, then decisions shall be passed by a relative majority.
4. An employee of the Ministry of Labour appointed by the Minister of Labour shall act as secretary

of the special meeting.

5. Minutes of the proceedings of the special meeting shall be prepared and, after being signed by the chairman and the secretary, shall be submitted to the Minister of Labour.



Article 3 - Formation of the BofD into a Body

1. The BofD shall be formed into a body by a decision of the Minister of Labour published in the Government Gazette, which shall also appoint the Chairman of the BofD and his alternate.
2. In the event that a member of the BofD deceases or withdraws for any reason whatsoever, the continuing members may act for up to three months; however, alternate members shall always be invited to attend their meetings. In any case, the continuing members of the BofD must always be sufficient in number to form a quorum in the meeting.



Article 4 - Meeting Place of the BofD

1. The BofD shall meet in the registered office of OMED in Athens.
2. The BofD may temporarily meet in the premises of the Ministry of Labour or any public organisation designated by a decision of the Minister of Labour.



Article 5 - Appointment of the BofD Secretary

1. An employee of OMED, appointed together with his alternate by the chairman, shall act as secretary of the BofD.
2. An employee of the Ministry of Labour appointed by the Minister of Labour's decision establishing the BofD may provisionally act as secretary.



Article 6 - Proceedings of the BofD

1. The BofD shall meet following a notice stating the time, place and agenda of the meeting.
2. The notice shall be signed by the Chairman of the BofD.
3. Notice may also be given by cable or telephone. In such case, an entry to this effect shall be made in a special book, stating the date and signed by the employee that gave the notice.

4. Notice of the meeting shall be waived when the date of a meeting has been scheduled in advance and is known to the members; a member has already declared that he is unavailable; or it is practically impossible for a member to attend.
5. Notices shall be given to both regular and alternate members of the BofD.

Article 7 - Quorum and Votes

1. The BofD shall be in quorum when the members present reach the absolute majority of the legal total number of members.
2. The BofD shall decide by an absolute majority of the members present.
3. When several opinions have been expressed and it is impossible to make a decision, the weaker factions shall come around to one of the prevailing ones.
4. In the event of a tie, the Chairman of the BofD shall have a second or casting vote.
5. Refusal to vote or abstention shall count as a negative vote.
6. Votes shall be conducted by a show of hands.

Article 8 - Minutes

1. Minutes of proceedings in the BofD meetings shall be kept and shall be signed by the Chairman of the meeting and the secretary.
2. The majority and minority opinions shall be recorded in the minutes.

Article 9 - Powers of the BofD

1. The BofD shall:
 - a. direct OMED's activities to carry out its mandate;
 - b. supervise the lawful discharge of duties by the special body of mediators and arbitrators;
 - c. prepare the Regulations provided for by Article 18 of Law 1876/1990;
 - d. manage OMED's property and resources;
 - e. approve the annual budget, activities report and balance sheet of OMED;
 - f. establish committees composed of its members and/or other persons from the public or private sector to study and prepare presentations of special matters;
 - g. employ and dismiss OMED's staff;
 - h. choose and appoint for a three-year term the mediators and arbitrators, review and renew their term and dismiss them according to the Regulations;

- i. approve the necessary expenditures;
- j. authorise the Chairman or another member of the Bof D to enforce its decisions; and
- k. decide on issues that fall within its scope of authority under the law and the Regulations.

2. In the event of any doubt as to a specific power between OMED's bodies, the BofD shall be deemed to have such power.

Article 10 - Powers of the Chairman of the BofD

1. The Chairman of the BofD shall:

- a. attend to the exercise of the powers of OMED's BofD;
- b. convene meetings of the BofD and propose the agenda;
- c. monitor and direct the operation of OMED, according to the decisions of the BofD;
- d. head the Service of OMED and issue any provisions on its staff, as specified in the Regulations;
- e. approve expenditures and issue money orders in accordance with the Regulations;
- f. decide on extraordinary and urgent matters and submit the relevant decisions for approval to the BofD within one month;
- g. represent OMED before courts, public authorities and private entities;
- h. appoint attorneys at law;
- i. sign OMED's documents; and
- j. decide on issues that fall within his scope of authority under the law and the Regulations.

2. The BofD may approve the delegation of powers of the Chairman, following his proposal, to another member of the BofD or an employee that serves as principal in OMED.

Article 12

This Presidential Decree shall take effect as from its promulgation in the Government Gazette. The Minister of Labour is ordered to promulgate and enforce this decree.

Athens, 18 May 1990

THE PRESIDENT OF THE REPUBLIC
KONSTANTINOS G. KARAMANLIS

THE MINISTER OF LABOUR
A. KALANTZAKOS

