

Guaranteed Minimum Income in Greece: The Transition from Fragmented Measures to Comprehensive Constitutional and Legislative Protection

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I. Introduction

In 2022, 26.3 per cent of the Greek population was at risk of poverty or lacked access to essential goods and services.¹ This figure indicates that a life in dignity—defined as a life where individuals have adequate financial and material resources considered indispensable for maintaining health, well-being and active participation in economic and social life—may not necessarily be guaranteed for a significant share of the population. Even though poverty is not a new phenomenon in Greece, social protection measures to fight it have historically not been prioritised by the Greek State. As has been the case in other social security systems in Southern European countries, Greece’s welfare state has long been centred around safeguarding its residents against old-age risks, as reflected in the disproportionately high pension expenditure compared to other forms of social spending. In this

1 See Hellenic Statistical Authority, ‘Risk of poverty 2022 Survey on Income and Living Conditions (Income reference period: 2021)’ (8 May 2023) <<https://www.statistics.gr>> last accessed on 12.02.2024.

vein, the fight against poverty and social exclusion was largely overlooked for many years and any related social assistance measures were fragmented and underdeveloped.

The landscape of Greek social protection has only recently undergone a transformation, which was largely driven by external pressure during the euro crisis,² prompting social policy reforms as part of broader financial recovery measures. Initially introduced as a pilot scheme in 2014, Greece adopted a nationwide guaranteed minimum income scheme in 2017. This non-contributory, means-tested safety net serves as a last resort for persons without sufficient resources.³ The scheme is designed to support individuals and families facing extreme poverty, providing beneficiaries with income support combined with social reintegration measures.

Against this background, this chapter explores the constitutional and legislative protection of a life in dignity in Greece. First, we present the constitutional framework of social protection in Greece, tracing its gradual development from providing indirect protection to formal constitutionalisation of the guaranteed minimum income benefit. Second, we analyse the legal framework of social protection, which encompasses both social services and the transition from fragmented social assistance to a universal minimum income scheme. Third, we review the recently introduced Greek guaranteed minimum income scheme, focusing on its coverage, eligibility criteria and adequacy of support provided.

II. Overview

1. The Constitutional Law Background: From Indirect Protection to the Constitutionalisation of the Guaranteed Minimum Income

a) Human Dignity

In Greek law, the notion of a life in dignity or a decent standard of living is primarily protected by Article 2, para. 1 of the Greek Constitution, which enshrines the principle of human dignity. It reads: “Respect for and protec-

2 See further U. Becker and A. Poulou (eds.), *European Welfare State Constitutions after the Financial Crisis* (OUP 2020).

3 See also Art. 2 of Council Recommendation of 30 January 2023 on adequate minimum income ensuring active inclusion (2023/C 41/01).

tion of human dignity is the primary obligation of the State”. The position of this constitutional provision within the Greek Constitution is indicative of its normative significance: human dignity is not safeguarded in the second part of the Constitution, which addresses individual and social rights, but is included in the first part, which contains “basic provisions” and defines the constitutional framework, thus giving human dignity an anthropocentric character. Consequently, human dignity is not a merely a declaratory principle in Greek constitutional law, but a fundamental principle of law that requires all state institutions to respect and protect the intrinsic value of the human person.⁴ This provision establishes human dignity as the ultimate criterion for the legitimacy of the actions of state institutions, ensuring that no rule of law can be interpreted or applied contrary to the principle of respect for and protection of human dignity. All fundamental rights and principles, such as democracy, equality, the rule of law and the welfare state, aim to protect human dignity, given that the value of the human being takes precedence over all other legal principles. Article 2, para. 1 of the Greek Constitution requires respect for human beings to prevail in the exercise of any authority.⁵

At the same time, human dignity has evolved into a subjective right, empowering individuals to limit state interventions or to demand positive measures for its protection. A basic defining element of human dignity is personal self-determination, that is, the freedom to choose one’s own path and status in life. Since self-determination depends on the existence of robust socio-political institutions and conducive practices, Article 2, para. 1 of the Greek Constitution establishes the obligation of the State to guarantee a minimum subsistence level for every individual. This means that the State is expected to create the socioeconomic, political, cultural and environmental conditions and circumstances under which employment relationships are established and income is earned, with the aim of ensuring that the basic needs of both individuals and society as a whole are met. These conditions include ensuring human well-being in all stages of life, supported through the social security system, healthcare, infrastructure development and environmental protection.

4 See Areios Pagos judgment 40/1998, 17 December 1998.

5 For a detailed analysis of Article 2 of the Greek Constitution, see T. Ziamou, ‘Article 2’, in: F. Spyropoulos, X. Contiades et al. (eds.), *Commentary on the Greek Constitution* (Sakkoulas 2017), p. 20 (in Greek).

The principle of human dignity has served as a benchmark in many cases before the Greek courts. First, it served as a benchmark for the Greek Council of State when reviewing the constitutionality of wage and pension cuts during the debt crisis. Reductions in wages and pensions were reviewed in the light of Article 2, para. 1 of the Greek Constitution to determine conformity with the subsistence necessary for a decent standard of living. More specifically, the Council of State ruled that the claim alleging infringement of Article 2 of the Constitution, which protects human dignity, as a result of the reductions in wages and pension benefits introduced by Law 3845/2010, must be rejected as unfounded, as this constitutional provision does not guarantee the right to a specific level of wage or pension, except where such a reduction represents a risk to a decent standard of living.⁶ The Court found that the applicants had failed to substantiate that the respective reductions placed them at such a risk.⁷ Moreover, in a subsequent decision on the introduction of a new salary scale for public servants by Law 4024/2011, the Council of State reviewed a claim that this pay scale—in combination with the wage cuts introduced by the aforementioned Law 3833/2010—would result in reductions exceeding half of the applicants' total remuneration. The applicants argued that these measures jeopardised their and their families' ability to maintain a dignified standard of living in violation of Article 2, para. 1 of the Constitution. The Court dismissed the claim, ruling that in the context of the budgetary crisis, the contested intervention could not be considered a burden that compromised the applicants' ability to live in dignity, since, first, the application of the new salary scale did not entail a reduction in the basic salary of civil servants in relation to the previously applicable system and, second, the greater percentage reduction in the applicants' salary compared to that of other civil servants was attributable to the fact that they had received particularly high special allowances.⁸ Nevertheless, the Council of State clarified that this assumption in no way precludes a different conclusion in the event of future salary reductions that might lead to a further deterioration in civil servants' standard of living.⁹ Furthermore, Article 2, para. 1 of the Constitution has been invoked as a legal foundation for the protection of a decent standard of living in cases of tax exemptions. The Council of State has ruled

6 *Symboulío tis Epikrateias*, judgment 668/2012, 20 February 2012, para. 35.

7 *Ibid.*

8 *Symboulío tis Epikrateias*, judgment 3177/2014, 26 September 2014, para. 8.

9 *Ibid.*

that Article 2, para. 1 establishes a fundamental obligation of the State to safeguard a decent standard of living, which may not be compromised by the imposition of taxes and other financial burdens; these must be levied in line with each taxpayer's taxpaying capacity. More specifically, the Court maintained that an individual's taxpaying capacity refers to his/her ability to pay taxes without compromising the minimum threshold for a dignified standard of living, established in Article 2, para. 1 of the Constitution, and is determined on the basis of objective criteria, such as income or property, and subjective criteria, including the individual's personal, family and social situation, as well as the taxpayer's health and age. Consequently, the amount of income required to cover the taxpayer's and his/her family's needs for a decent standard of living, in accordance with the above criteria, should remain tax-exempt.¹⁰

b) Social Rights

Beyond the protection of human dignity, the Greek Constitution embraces a human-centred and socially-oriented conception of law and the State. Without calling into question the market economy, it incorporates a series of general provisions and specific social rights that define the foundations of the Greek welfare state. More precisely, the 2001 amendment of the Constitution of 1975 introduced the principle of the welfare state in Article 25.¹¹ The principle of the welfare state, to be guaranteed and promoted by the State, complements the social rights outlined in the Constitution, providing a constitutional foundation for social rights that are not explicitly enshrined therein. In this vein, the principle of the welfare state could serve as a foundation for the right to a guaranteed minimum income.¹² Furthermore, the Greek Constitution includes an extensive catalogue of social rights. Article 22, para. 5 of the Constitution enshrines the right to social securi-

10 Symbolio tis Epikrateias, judgment 1087/2017, 10 April 2017.

11 Article 25 of the Greek Constitution reads as follows: "1. The rights of a person as an individual and as a member of society and the principle of the rule of law of the welfare state are guaranteed by the State. All state institutions shall be required to ensure their unconstrained and effective exercise. (...)".

12 C. Anthopoulos, 'Aspects of constitutional democracy. In the example of Article 25 para. 1 of the Constitution', in: D. Tsatsos, E. Venizelos and X. Contiades (eds.), *The New Constitution* (Ant. Sakkoulas 2001), p. 159 (in Greek).

ty,¹³ establishing a constitutional mandate and an institutional guarantee, ensuring that social security is organised according to specific principles of organisation, operation, administration and financing. The legislator has the obligation to uphold its core principles and substance. More precisely, social security in Greece is founded on six fundamental principles: i) universality, ii) compulsory participation, iii) compulsory insurance, iv) reciprocity, v) protection of insurance capital, and vi) solidarity.¹⁴ The interaction of these principles and their coherent expression in the social security system's institutional design implies a framework that is immune to regulatory interventions by the legislator. Second, Article 21, para. 3 of the Constitution establishes the State's obligation to take measures to protect public health, recognising healthcare as a social right that encompasses citizens' physical and mental well-being, and includes both prevention and treatment.¹⁵ As a universal right, access to healthcare guarantees a minimum level of state intervention to protect health.¹⁶ The maintenance of an organised public system that provides healthcare services and supervises private healthcare providers reflects the State's constitutional commitment to safeguard public health.

Moreover, the right to social protection derives from a number of constitutional provisions, namely Article 21, paras. 1, 2, 4 and 6 of the Constitution, which establish the State's obligation to provide "special care" and to adopt "special measures" for several vulnerable social groups, are to be read jointly. More precisely, Article 21, para. 1, subpara. a of the Constitution recognises the family as the foundation for the preservation and advancement of the nation, placing it, along with marriage, maternity and childhood, under the protection of the State.¹⁷ Furthermore, Article

13 Article 22, para. 5 of the Greek Constitution reads as follows: "5. The State shall provide for the social security of workers as prescribed by law."

14 See A. Stergiou, 'Article 22 para 5', in: S. Vlachopoulos, X. Contiades and G. Tasopoulos (eds.), *Commentary on the Greek constitution*, < <https://www.syntagmawatch.gr> > accessed 12.2.2024 (in Greek).

15 Article 21, para. 3 of the Greek Constitution reads as follows: "3. The State shall provide for the health of its citizens and shall take special measures for the protection of youth, old age, disability and for the care of the most deprived."

16 For a detailed analysis of the right to healthcare in the Greek Constitution, see P. Pararrigopoulou, 'Article 21', in: F. Spyropoulos, X. Contiades, C. Anthopoulos et al. (eds.), *Commentary on the Greek Constitution* (Sakkoulas 2017), p. 536 (in Greek).

17 Article 21, para. 1, subpara. a of the Greek Constitution reads as follows: "1. The family, as the foundation of the preservation and promotion of the nation, as well as marriage, maternity and childhood are under the protection of the State. (...)".

21, para. 2 of the Constitution reserves special treatment for large families, persons with disabilities, individuals with physical or mental impairments, the elderly, as well as widows and orphans of those who have died in war.¹⁸ Although these social groups are included in Article 21, para. 2 of the Constitution without further distinction, Decision 1095/2001 of the Greek Council of State holds that the reference to large families in this constitutional provision should be considered separately from the other vulnerable social groups. While the special care assistance provided by the State to the other vulnerable social groups is undoubtedly welfare-based—implying that means-testing may be considered legitimate, if not mandatory—the constitutional right of large families to special care assistance primarily aims to address the country’s demographic challenges. It is therefore considered unconstitutional to limit or downgrade the scope of special care assistance for large families on the basis of income criteria, unless there are compelling reasons to do so.¹⁹

For a detailed analysis of the protection of family in the Greek Constitution, see A. Kotzampasi, ‘Article 21’, in: F. Spyropoulos, X. Contiades, C. Anthopoulos et al. (eds.), *Commentary on the Greek Constitution* (Sakkoulas 2017), p. 527 (in Greek).

- 18 Article 21, para. 2 of the Greek Constitution reads as follows: “2. Large families, war and peacetime disabled persons, war victims, widows and orphans of those who have fallen in war, and those suffering from incurable physical or mental illness are entitled to special care from the State.” For a detailed analysis of Article 21, para. 2 of the Greek Constitution, see P. Pararrigopoulou, ‘Article 21’, in: F. Spyropoulos, X. Contiades, C. Anthopoulos et al. (eds.), *Commentary on the Greek Constitution* (Sakkoulas 2017), p. 536 (in Greek).
- 19 Based on this interpretative approach, Article 39, paras. 1-3 of Law 2459/1997, which introduced income criteria for granting benefits to large families, was deemed unconstitutional by the Greek Council of State in its Decision 1095/2001. Consequently, the joint ministerial decision implementing this legislative provision was annulled. The decision was criticised by Greek academia, which argued, first, that if childcare benefits are intended as a tool of demographic policy, their effectiveness for wealthy families is questionable, given their relatively low level. Second, concerns were raised about whether the court had the legitimacy to rule on the necessity of imposing income criteria for such benefits or whether the balance between the social protection of large families and demographic policy should have been left to the legislator’s discretion. In a similar vein, the Greek Council of State in its Decision 1175/2008 held that imposing income criteria for the granting of lifelong pensions to mothers of large families is contrary to Article 21, para. 2 of the Constitution. The significance of this case law lies primarily in its affirmation of the normative content of a right to social welfare, which had previously been considered to be of a “weak”, merely programmatic nature, to draw important conclusions for legislative policies in a critical area of social protection.

Article 21, para. 4 of the Constitution guarantees the right to housing.²⁰ The State has the obligation to provide housing assistance to citizens, not necessarily as an *in rem* entitlement, but as a form of support, including free or subsidised housing or financial aid for the purchase, rental or renovation of accommodation for those in need.²¹ Finally, Article 21, para. 6 of the Constitution enshrines the right of persons with disabilities to measures that safeguard their autonomy and facilitate their professional integration and participation in the country's social, economic and political life.²² Hence, special constitutional treatment is reserved for persons with disabilities, recognising their personal freedom and dignity, while ensuring they receive individualized and adequate assistance from the State. One important consequence of such preferential constitutional protection for this social group is consistent recognition in case law that specific policy measures, such as tax privileges, the granting of licenses or exemptions from the principle of meritocracy in public sector recruitment, are legitimate means that serve the public interest by safeguarding the protection of persons with disabilities in society.²³

The abovementioned constitutional provisions (Article 21, paras. 1, 2, 4, and 6 of the Constitution) establish the framework for the social protection of specific groups with distinct social characteristics, providing guidance to the legislature, public administration and the judiciary in shaping and evaluating the constitutionality of all related measures. Given that these provisions address specific social groups as right holders, the question arises whether the Constitution only guarantees fragmentary protection for these specific social groups or whether a more general right to social protection can be inferred. The abovementioned constitutional provisions could, in fact, be read as a list of narrowly defined individual rights, granted exclusively to the specified social groups and tied to specific forms of protection, without establishing the obligation to provide protective measures

20 Article 21, para. 4 of the Greek Constitution reads as follows: "4. The acquisition of housing by those who lack it or are inadequately housed shall be the subject of special care by the State."

21 For a detailed analysis of the right to housing in the Greek Constitution see P. Pararrigopoulou (n 18).

22 Article 21, para. 6 of the Greek Constitution reads as follows: "Persons with disabilities have the right to enjoy measures that ensure their autonomy, professional integration and participation in the social, economic and political life of the country."

23 See Council of State 1635/2012, 3729/2011.

to other population groups as well.²⁴ However, a systematic interpretation of the key provisions of Article 21, paras. 1, 2, 3, 4 and 6 of the Constitution, in conjunction with the principles of human dignity, the right to personal identity and, in particular, the rule of law, leads to the conclusion that constitutional protection is *not* limited to specific, narrowly defined social groups. On the contrary, Article 21 of the Constitution enshrines a general right to social protection, which is articulated through specific forms of protection granted to the social groups explicitly mentioned in the Constitution. At the same time, however, Article 21 guarantees the right of every individual to sufficient resources to meet their basic needs.²⁵ In this context, the explicit reference in Article 21, para. 3, *inter alia*, to the most deprived social groups is of particular significance, as it provides a constitutional foundation for guaranteeing a minimum standard of living for all.²⁶

c) Minimum Income Protection in the 2019 Constitutional Revision

While it can be argued that the guaranteed minimum income already had a sufficient constitutional foundation in Greece, the constitutional revision of 2019 represents an important cornerstone of the right to a dignified life. This revision introduced a new constitutional provision (Article 21, para. 1, subpara. b), which stipulates that “The State ensures that all citizens enjoy decent living conditions through a minimum guaranteed income system, as provided by law”. Although all political parties agreed on the necessity of this provision, disagreements arose regarding its systematic positioning within the Constitution. The governing leftist party at the time, “Syriza”, advocated for incorporating the new right in Article 21, para. 1, which, as mentioned above, traditionally focused on the protection of family, marriage, motherhood and childhood, to emphasise the welfare-oriented nature of the right to a decent standard of living. In contrast, the conservative party “New Democracy” suggested incorporating the new right in Article 25 of the Greek Constitution, which enshrines the principle of the welfare state, first, to highlight that it was not intended as a subjective right

24 I. Glykofrydis, ‘Social rights in the Greek Constitutions’ EDKA (1979), p. 1, 4 (in Greek).

25 K. Kremalis, *The right of a person to social protection* (Ant. Sakkoulas 1991), p. 155 (in Greek); P. Pararrigopoulou (n 18), p. 540; X. Contiades, *Courses on social administration and social security law* (Papazisis Publications 2023), p. 202 (in Greek).

26 X. Contiades (n 25), p. 204.

and second, to place more emphasis on private income as the primary means of ensuring a decent standard of living rather than focusing on social protection. Other political parties voiced concerns that this provision might lead the State to replace universal social services, such as free education or access to healthcare, with cash benefits for the poor. Ultimately, these disagreements were resolved by including an explicit reference to the State's obligation to guarantee a decent standard of living for all citizens through a guaranteed minimum income scheme in Article 21, para. 1, subpara. b of the Constitution.

The constitutional guarantee of social protection primarily imposes an obligation on the legislator, who, while enjoying broad discretion in implementing this right, must adopt an individualised approach to addressing social needs. Moreover, the gradual legislative development of specific institutions and structures in the field of social protection establishes an institutional guarantee. Within this scope, it would not be constitutionally acceptable to significantly reduce public welfare services, diminish the State's regulatory, coordinating and monitoring role in the field of social welfare, prohibit or impose unjustified restrictions on private or voluntary sector entities providing welfare services.²⁷ Likewise, abolishing the guaranteed minimum income scheme or imposing excessive limitations on its amount and tightening eligibility criteria would be inconsistent with the Constitution, even though the latter does not stipulate a specific level of guaranteed minimum income. Furthermore, the constitutional protection of the right to social welfare justifies certain restrictions on other constitutional rights, such as the freedom of enterprise and the principle of equality, allowing for the adoption of positive measures in favour of protected social groups.

2. Social Benefits

The Greek welfare state uses two main mechanisms to address social risks. The first mechanism is social security, predominantly funded through contributions,²⁸ with a focus on mitigating the risks associated with old

27 Ibid.

28 For an overview of the Greek social security system, see M. Bakavou, 'Salus Rei Publicae Suprema Lex Esto? Welfare State Reforms Before the Greek Courts', in: U. Becker and A. Poulou (eds.), *European Welfare State Constitutions after the Financial Crisis* (OUP 2020), p. 151.

age. Just like social security systems in Southern European countries more generally, the Greek welfare state prioritises protection against old-age risks, as evidenced in the disproportionately higher levels of pension expenditure compared to other forms of social spending. This focus on the pension problem has come at the expense of the fight against poverty and social exclusion. However, in the context of declining full-time employment and the increasing prevalence of flexible forms of work, including a growing share of teleworking, social security remains necessary but insufficient to guarantee a decent income for all.

Against this background, despite the fact that the Greek welfare state is fragmented and underdeveloped, its second mechanism for addressing social risks is the establishment of a network of social support benefits that is based on a category-based approach, aimed at covering all possible risks through composite, specialised or personalised benefits. Additionally, guaranteed minimum income schemes have been established, which are based on income criteria, i.e. benefits are allocated on the basis of a means test, with the aim of preventing extreme poverty and ensuring that no one is deprived of life's basic necessities. Within the broader framework of social protection, the provision of social support services has historically been sidelined compared to the provision of income support.²⁹ In particular, the transfer of responsibility for the care of the elderly and for persons with disabilities from the respective families and the private sector to specialised social services has not been sufficiently achieved.

As regards social welfare benefits, a range of distinct income schemes that provide supplementary cash benefits to specific groups have been introduced. These schemes were initially established in a fragmented and uncoordinated manner, each with its own eligibility criteria, benefit calculation methods and adjustment mechanisms. This lack of uniformity reproduces income inequalities between different beneficiary groups. An important step towards ensuring equal and effective access to welfare-based income support to all was the establishment of the Organisation for Welfare Benefits and Social Solidarity (OPEKA) in 2018.³⁰ OPEKA's objective is the provision of welfare benefits, allowances, financial assistance and social services to financially support beneficiaries and promote social integration. The governing body of OPEKA consists of the Board of Directors and its

29 X. Contiades (n 25), p. 81.

30 OPEKA is the universal successor of the welfare responsibilities of the former OGA and the Agricultural Estias Account (Law 4520/2018).

Governor, while its structure also includes a Central Office and Regional Directorate services. It is primarily funded through the state budget and supplemented by revenues from its assets and reserves.

The category-based minimum income schemes primarily target unprotected children, uninsured women during maternity, large families, uninsured elderly persons, people with disabilities and the homeless. Cash benefits are the main form of support within all category-based minimum income schemes. The category-based structure of welfare cash benefits has one major disadvantage, however: it excludes certain population groups and economically vulnerable individuals from access to such schemes. Although several complex social security benefits were introduced alongside welfare cash benefits, such as pension thresholds, the Social Solidarity Benefit for Pensioners, basic pensions for former members of the Agricultural Insurance Organisation, family allowances, additional disability insurance benefits and special benefits for persons outside the labour market, these measures did not sufficiently compensate for the absence of a general guaranteed minimum income scheme. This gap was ultimately addressed with the late introduction of a universal guaranteed minimum income scheme, which has since become Greece's main instrument of social protection.

The universal guaranteed minimum income scheme, which is also provided by OPEKA, does not replace category-based minimum income schemes. In fact, receipt of other social benefits does not necessarily preclude eligibility from the guaranteed minimum income scheme. On the contrary, certain allowances, such as non-contributory disability benefits, education, vocational training and job-search allowances for unemployed persons, emergency financial assistance for natural disaster victims and support for labour market integration of homeless persons and domestic violence victims, are excluded from the calculation of household income, as defined in the income criteria for eligibility to the universal minimum income scheme.³¹ Old-age pensions, disability pensions, unemployment benefits, family allowances and other social security benefits are included in the calculation of a household's income,³² which means that if a household's total income falls below the income threshold set by law, its members—even if they receive other social benefits—are additionally eligible for universal minimum income protection. Category-based minimum income

31 See in detail below under III.3.

32 Ibid.

schemes thus coexist with the recently introduced universal minimum income scheme in the Greek social welfare system.

III. Analysis

1. Introduction of the Guaranteed Minimum Income

Greece has only recently introduced a nationwide guaranteed minimum income scheme. The introduction of minimum income protection was one of the conditions Greece had to meet to receive financial assistance during the euro crisis. This requirement was first outlined in the second Memorandum of Understanding (MoU) adopted by Greece. A pilot guaranteed minimum income scheme was introduced by Law 4093/2012 in January 2014 and was piloted in 13 regions of the country with different socio-economic characteristics, and defined in a ministerial decision.³³ It targeted individuals and families living in extreme poverty, providing not only income support but also social reintegration measures to beneficiaries. The total expenditure for the pilot scheme did not exceed EUR 20 million and was ultimately implemented for six months.

The pilot guaranteed minimum income scheme provided three forms of support for beneficiaries: a) income support, b) improved and guaranteed access to social services, and c) provision of goods and labour-market integration or reintegration measures. The maximum monthly income support was EUR 200 per adult and EUR 50 per minor, with the first dependent minor in a single-parent family counted as an adult. Hence, the annual guaranteed minimum income for a single adult was EUR 2,400, EUR 5,400 for a couple or for one adult and one dependent minor. The amount of financial support was determined in accordance with common practices among EU member states. The maximum financial support (EUR 200 for a single adult) corresponded to approximately 24 per cent of the median equivalised income and 40 per cent of the net minimum wage (EUR 489).

Under the framework of the 3rd MoU signed by Greece, the government was required to implement the guaranteed minimum income scheme nationwide. Article 235 of Law 4389/2016 renamed the Guaranteed Minimum Income into the Social Solidarity Income. Until 31 December 2016, the

33 KYA 39892/ΓΔ1.2 Β' 30182014.

scheme was limited to only 30 regions across the country, and as of 01 January 2017, it was expanded to all of the country's municipalities.³⁴

Finally, following this introductory phase, the legal framework for minimum income in Greece was further strengthened. Specifically, Article 29 of Law 4659/2020 amended Article 235 of Law 4389/2016, renaming the Social Solidarity Income back to Guaranteed Minimum Income, which remains the official term in the Greek legal order today. Ministerial Decision Δ13/οικ./33475/1935/15.06.2018 outlined the details of the scheme, was amended by three subsequent decisions,³⁵ and was ultimately revised by Ministerial Decision Δ13/οικ. 53923/23.07.2021 (B' 3359). Thus, the Greek Guaranteed Minimum Income scheme is currently regulated in Article 29 of Law 4659/2020 in conjunction with Ministerial Decision Δ13/οικ. 53923/23.07.2021 (B' 3359).

2. Coverage and Eligibility Criteria

Under Greek law, beneficiaries of the guaranteed minimum income are classified into three categories. The first category includes single-person households, defined as any adult who lives alone, excluding adults up to 25 years old who are enrolled in a university, school, vocational or training institution in Greece or abroad. The second category comprises multi-person households, which include all persons residing in the same accommodation, including a) guests or a host family, provided that this hosting arrangement was declared in the most recent (cleared) tax declaration³⁶, and b) adults up to 25 years old who are enrolled in university, school or a vocational or training institution, regardless of their place of residence. Moreover, Greek law also recognises single-parent families as potential beneficiaries within this category. For the purpose of the guaranteed minimum income scheme, a single-parent family is strictly defined as a single parent (unmarried, widowed or divorced³⁷), who has sole or exclusive custody of

34 Article 22 of Law 4445/2016.

35 Δ13/οικ./54653/2701/18.10.2018 (B' 4837 2018), Δ13/οικ.25150/557/03.06.2019 (B' 2194 2019) and Δ13/οικ. 16250/321/24.04.2020 (B' 1655 2020).

36 "Guests" are persons residing in the household, who are not classified as dependants for tax purposes. For instance, an adult (over the age of 25), a non-disabled child, who still resides in the parental home is no longer a dependant and is classified as a "guest".

37 Or due to the detention of the other parent in a penitentiary facility.

one or more minors.³⁸ The third category comprises homeless persons who either live on the street or in an unsuitable accommodation, provided they are registered with the municipal social services or community centres, or who stay in hostels, transitional shelters or facilities for women who are victims of violence. Homelessness cannot be solely determined by means of a tax declaration.³⁹ In September 2021, 3.5 per cent of all beneficiary units were classified as homeless.⁴⁰ On the other hand, certain categories of individuals are excluded from the scheme and are not considered members of the household. These include: a) individuals residing or being cared for in a residential care or assisted living facility, b) individuals staying in a psychosocial rehabilitation facility or beneficiaries of the Protected Apartments programme established under Article 9 of Law 2716/1999, c) individuals living in monasteries, d) persons incarcerated in penitentiary institutions, and e) individuals residing abroad.⁴¹

The Greek guaranteed minimum income scheme is designed to support households, a concept that encompasses one or more members of a nuclear or extended family, who reside in the same accommodation, regardless of their legal relationship. Thus, it is irrelevant whether the family has been established through marriage or a civil partnership between same-sex or opposite-sex couples. The provisions indirectly include informal cohabitation under the category of 'hosted individuals'. Against this background, the Greek guaranteed minimum income scheme embraces a modern concept of family, which covers different household types and sizes. However, by defining the household as the primary beneficiary of the guaranteed minimum income, Greek law necessarily focuses on the economic needs of families rather than individuals, assessing poverty at the family level.

Every household that is legally and permanently established in Greece is eligible to apply for the minimum income scheme.⁴² This means that access to guaranteed minimum income is not determined by nationality (citizenship), but by the criterion of permanent residence. Greek legislation does not require a specific previous period of residence to be eligible for the guaranteed minimum income, as is the case for other non-contributory

38 Article 2, para. 2 of Ministerial Decision Δ13/οικ. 53923/23.07.2021.

39 Article 2, para. 1 of Ministerial Decision Δ13/οικ. 53923/23.07.2021.

40 See Joint Report prepared by the Social Protection Committee (SPC) and the European Commission (DG EMPL), *The 2022 Minimum Income Report Country Profiles Volume II*, p. 34.

41 Article 2, para. 6 of Ministerial Decision Δ13/οικ. 53923/23.07.2021.

42 Article 3, para. 3 of Ministerial Decision Δ13/οικ. 53923/23.07.2021.

benefits (such as birth allowance or housing benefit). In addition to the permanent residence requirement, applicants' tax residence must be in Greece, because they must possess a tax registration number and file an annual income tax return.⁴³ This highlights the strong link between tax law and social protection. The application for minimum income must be submitted by the person responsible for filing the household's annual income tax return, their spouse or their cohabiting partner. If all adult household members filed separate tax returns, the application for guaranteed minimum income must be submitted collectively.⁴⁴ Applications can be made in person at a municipal or community centre, or online. Homeless persons, households hosting guests, single-parent families, and those with unprotected children⁴⁵ can only apply in person.⁴⁶

3. Income and Property Criteria

The guaranteed minimum income is regulated by the welfare principle of subsidiarity, i.e. it is granted only after all other available protection mechanisms have been exhausted. In particular, eligibility presupposes a lack of sufficient income from work, non-receipt of other social security benefits, depletion of personal savings and assets, and inability to obtain family assistance. As previously mentioned, poverty is assessed at the family level, with family income and family assets taken into account to determine eligibility. To ensure effective targeting of the guaranteed minimum income scheme, means-testing is used as a tool to set a threshold for the applicant's maximum total income (e.g. from work or existing benefits) and certain assets (e.g. property). Against this background, a household must cumu-

43 Article 6, para. 1 and Article 9, para. 1 of Ministerial Decision Δ13/οικ. 53923/23.07.2021.

44 Article 6, para. 1 of Ministerial Decision Δ13/οικ. 53923/23.07.2021.

45 Unprotected children are minors within a household, who are orphans or whose parental care cannot be provided by either parent due to illness, disability, incarceration or military service. In such cases, custody must be legally assigned to a member of the household by court decision. For example, a grandmother who has been granted custody of her grandchildren would declare them as unprotected children.

46 Article 6, para. 1 of Ministerial Decision Δ13/οικ. 53923/23.07.2021.

latively meet specific income and property criteria to be eligible for the guaranteed minimum income.⁴⁷

First, as regards the income criterion, the declared household income for the six months preceding the application may not exceed six times a legally prescribed amount, which varies depending on household type. The threshold for the maximum total income of each household type in the six months preceding the application is presented in the following table:

Single-person household	EUR 1,200
Household consisting of two adult members or a single-parent family with one minor member	EUR 1,800
Household consisting of two adults and one minor member or a single-parent family with two minor members	EUR 2,100
Household consisting of three adult members or two adult and two minor members or a single-parent family with three minor members	EUR 2,400
Household consisting of three adults and one minor member or two adults and three minors or a single-parent family with four minor members	EUR 2,700
Household consisting of four adult members or two adult and four minor members or a single-parent family with five minor members	EUR 3,000

In this context, ‘declared income’ refers to total income from all sources of both domestic and foreign origin, before taxes, but after the deduction of social security contributions received by all members of the beneficiary unit in the six months preceding the submission date of the application for inclusion in the guaranteed minimum income scheme.⁴⁸ The declared income includes all allowances and benefits, as well as exempt income or income taxed under special provisions.⁴⁹ This means that old-age pensions and disability pensions, unemployment benefits, family allowances and other social security benefits are included in the household’s declared income for determining eligibility to the guaranteed minimum income. Nevertheless, foster care allowances, non-contributory disability allowances granted by the State, education, vocational training and job-search allowances provided to unemployed persons, emergency financial assistance for natural disaster victims and for homeless persons participating in a labour market integration programme and victims of domestic violence, as

47 The inclusion of family assistance is reflected as an increase in the income and asset thresholds. The financial control is mainly carried out through electronic cross-checks with a GIS database.

48 Article 2, para. 8 of Ministerial Decision Δ13/οικ. 53923/23.07.2021.

49 Ibid.

well as the total income for two reference periods are excluded from the calculation of declared income.⁵⁰

It is important to note the Greek Ombudsman's statement that the exclusion of disability allowances from the calculation of declared income, while disability pensions are included, results in unequal treatment of individuals who find themselves in similar situations, especially in the light of Article 28 of the Convention on the Rights of Persons with Disabilities (CRPD),⁵¹ which recognizes the right of persons with disabilities to an adequate standard of living without discrimination on the basis of disability.⁵²

Moreover, the calculation of declared income excludes 20 per cent of the applicant's net earnings from salaries, community service programmes or any other work-related programme.⁵³ This provision ensures that an individual who earns minimum wage or a low salary does not automatically disqualify from eligibility to the guaranteed minimum income. The scheme covers not only unemployed persons but also serves as a supplement for those who earn insufficient income from low-paid work, extending its reach to the so-called working poor. Additionally, the possibility to simultaneously earn minimum wage or a low salary helps prevent the minimum income scheme from becoming a disincentive to work.

Second, as regards the property criterion, household assets are assessed on the basis of the applicant's tax return for the previous year. The total taxable value of the household's assets may not exceed EUR 90,000 for a single-person household, increased by EUR 15,000 for each additional household member, and up to a maximum ceiling of EUR 150,000.⁵⁴ Moreover, the imputed annual taxable income related to passenger cars owned by the household members may not exceed EUR 6,000.⁵⁵ At the same time, their total capital income from bank deposits in Greece or abroad may not exceed the thresholds outlined in the following table:⁵⁶

50 Ibid.

51 The CRPD was transposed into the Greek legal order by Law 4074/2012.

52 Report of the Greek Ombudsman on the application of the CRPD, 2019, p. 30.

53 Article 2, para. 9 of Ministerial Decision Δ13/οικ. 53923/23.07.2021.

54 Article 3, para. 2a of Ministerial Decision Δ13/οικ. 53923/23.07.2021.

55 Article 3, para. 2b of Ministerial Decision Δ13/οικ. 53923/23.07.2021.

56 Article 3, para. 2c of Ministerial Decision Δ13/οικ. 53923/23.07.2021.

Single-person household	EUR 4,800
Household consisting of two adults or a single-parent household with one minor member	EUR 7,200
Household consisting of two adults and one minor member or a single-parent household with two minor members	EUR 8,400
Household consisting of three adults or two adults and two minors or a single-parent household with three minor members	EUR 9,600
Household consisting of three adults and one minor member or two adults and three minor members or a single-parent household with four minor members	EUR 10,800
Household consisting of four adults or two adults and four minor members or a single-parent household with five minor members	EUR 12,000
Household consisting of four adults and one minor member or two adults and five minor members or a single-parent household with six minor members	EUR 13,200
Household consisting of five adults or two adults and six minors or a single-parent household with seven minor members	EUR 14,400

Furthermore, households in which any member according to the most recent (cleared) income tax return falls under the following categories do not qualify for the guaranteed minimum income, namely individuals who: a) are subject to the provisions of the luxury tax, b) report expenses for yacht crews, c) report expenses for tuition fees for private schools, d) report expenses for domestic helpers, chauffeurs, tutors and other staff.⁵⁷

4. Benefit Amount

The amount of guaranteed minimum income is, in principle, determined by the household's size and composition. The benefit amount lacks a clear legislative justification and seems to reflect fiscal constraints rather than a calculation based on poverty thresholds or actual living costs. Under the scheme, each household, depending on the number and age of its members, receives: a) EUR 200 per month for a single-person household, b) EUR 100 per month for each additional adult household member, and c) EUR 50 per month for each minor household member.⁵⁸ In single-parent households, as defined above, the oldest minor member is considered an adult in the calculation of the guaranteed minimum amount.⁵⁹ This ensures that single-parent families are not placed in a worse position than a cou-

57 Article 3, para. 2 of Ministerial Decision Δ13/οικ. 53923/23.07.2021.

58 Article 2, para. 7 of Ministerial Decision Δ13/οικ. 53923/23.07.2021.

59 Ibid.

ple without children. Similarly, in a household with unprotected children, each unprotected child is considered an adult for the calculation of the guaranteed minimum amount.⁶⁰ Regardless of household composition, a ceiling of EUR 900 per month is set as the maximum benefit amount. If the beneficiaries have another source of (low) income, they are not eligible to the full amount of guaranteed minimum income. More precisely, the amount of guaranteed minimum income they are eligible to is calculated as the difference between six times the full guaranteed minimum income and the household's declared income over the previous six months, calculated for the purpose of inclusion in the scheme, divided by six.⁶¹

If the total monthly benefit is equal to or exceeds EUR 100, 50 per cent of the amount must be exclusively spent using the beneficiary's prepaid bank card, which can be used without restriction for purchases (including online transactions) or payments.⁶² As a result, at least half of the benefit amount is exclusively intended for the purchase of consumer goods and may not be saved. The remaining 50 per cent can be withdrawn in cash from a credit institution's bank branches (where the beneficiary has an account) and/or by debit card from automatic teller machines (ATMs). Beneficiaries of the scheme are not charged issuance or transaction fees for using these cards, except for cash withdrawals from ATMs of banks other than their own.

While means-testing is conducted at the household level, it often overlooks the financial situation of individuals within the household, potential disparities in family income distribution and the desire for personal autonomy. This disproportionately affects women who are more likely to have a lower income, earn lower pay and carry greater caregiving responsibilities. Without necessarily altering the means-testing approach and increasing the overall household benefit amount, solutions should be explored to ensure that individual household members receive a fair share of the income support. Such measures could promote gender equality, enhance economic independence and improve income security for women, young adults and persons with disabilities.

The guaranteed minimum income benefit is provided for a period of six months.⁶³ This short duration allows the administration to conduct regular assessments of beneficiaries' eligibility, particularly with regard to any

60 Ibid.

61 Article 2, para. 10 of Ministerial Decision Δ13/οικ. 53923/23.07.2021.

62 Article 8, para. 4 of Ministerial Decision Δ13/οικ. 53923/23.07.2021.

63 Article 2, para. 11 of Ministerial Decision Δ13/οικ. 53923/23.07.2021.

changes in their income. After this six-month period, beneficiaries must reapply, which initiates a reassessment of their eligibility. To ensure that its intended purpose is met, the minimum income benefit is protected from all debt obligations. It is tax-free, exempt from any deductions, confiscations or set-offs against debts owed to the State or credit institutions, excluded from income limits and the calculation for determining eligibility to other social or welfare benefits.⁶⁴

5. Package of Benefits (Composite Benefit)

The modern understanding of poverty has evolved beyond the mere lack of income and has transformed into a multifaceted condition of social exclusion. While absolute poverty can be equated with lack of income, relative poverty (social exclusion) is understood as a broader lack of economic and non-economic goods (cultural goods, education, new technologies). Adopting this latter concept of poverty, the Greek guaranteed minimum income scheme was not conceived solely as a financial support mechanism. It is embedded in a more comprehensive policy against social exclusion, combining financial assistance with social care and healthcare services, as well as measures to promote employment.⁶⁵

More specifically, the Greek minimum guaranteed income scheme comprises three pillars. The first pillar provides financial income support, as described above. The second pillar ensures access to complementary social benefits and services, depending on the beneficiaries' needs. More precisely, individuals eligible for the minimum income scheme have access to a) free medical care for the uninsured,⁶⁶ b) social care and support structures and services, c) programmes and social initiatives for poverty reduction, d)

64 Article 15 of Ministerial Decision Δ13/οικ. 53923/23.07.2021.

65 Linking the guaranteed minimum income with complementary social services, benefits and goods begins with the local authorities informing beneficiaries. During the application process and submission of supporting documents, municipal or community centre officials inform applicants about the availability of additional social services, benefits and goods, provided they meet the legal requirements. .

66 In Greece, Law 4368/16 grants uninsured and vulnerable social groups the right to free access to public healthcare services, including inpatient/medical care (Article 33). This provision unified all groups previously excluded from the health protection system (unemployed, insured persons with fund debts, migrants, vulnerable citizens). Access to care is not contingent on income or asset thresholds, except for economically weak persons who are exempt from contributing to the cost of medication.

measures implemented under the Operational Programme of the European Aid Fund for the Most Deprived, e) social tariffs for electricity providers, f) social tariffs for water providers, and g) social tariffs for municipalities and municipal enterprises.⁶⁷ The scheme's third pillar includes measures targeting household members, if they are able to work, promoting their integration or reintegration into the labour market, which may include, inter alia: a) support with obtaining a proposed job, b) participation in community service programmes, c) participation in vocational training programmes, d) participation in programmes to gain work experience, and e) integration or return to the education system and second-chance schools.⁶⁸

6. A Benefit with Obligations

As part of the third pillar described above, beneficiaries of the minimum income scheme are required to return to the labour market. This provision aligns with the prevailing understanding in contemporary social policy that any individual who receives social assistance must contribute to society in return (workfare). Given that the combination of passive income policies with labour market integration measures is considered best practice, the right to receive minimum income is conditional on participation in active labour market measures designed to prevent beneficiaries from playing a passive role only, which may give rise to long-term dependency.

The legal framework regulating the Greek minimum income scheme specifies which beneficiaries are subject to the work obligation. Two categories of beneficiaries of guaranteed minimum income are considered incapacitated for work by the respective legal framework: a) persons with disabilities who have been certified as being unable to work by the Disability Certification Committee, and b) full-time students, apprentices in vocational schools or those practicing in a vocational training programme without an employment relationship.⁶⁹ All other beneficiaries who do not fall into the above categories and who are aged between eighteen (18) and sixty-five (65) are considered capable of working.⁷⁰

67 Article, 1 para. 2 of Ministerial Decision Δ13/οικ. 53923/23.07.2021.

68 Article, 1 para. 3 of Ministerial Decision Δ13/οικ. 53923/23.07.2021.

69 Article 2, para. 12 of Ministerial Decision Δ13/οικ. 53923/23.07.2021.

70 Article 2, para. 13 of Ministerial Decision Δ13/οικ. 53923/23.07.2021.

Beneficiaries deemed able to work, as described above, are required—in line with the applicable regulatory framework—to register with the Greek Labour Employment Office by the end of the month following approval of their application for minimum income support and renew their unemployment status.⁷¹ Moreover, they are required to attend meetings with employment counsellors of the Greek Labour Employment Office, who provide personalised support services. More importantly, they must accept suitable employment opportunities proposed by the Greek Labour Employment Office or participate in any employment promotion activities such as vocational training, counselling and entrepreneurship initiatives.⁷² Lastly, should the beneficiaries of guaranteed minimum income be employed, they may not voluntarily and unjustifiably quit their jobs.⁷³

In view of the above, pressing questions arise regarding the nature of jobs that can be proposed as a condition for continuing to receive the benefit. Specifically, it remains unclear whether such work must be exclusively paid employment or whether other forms of work such as community service outside the formal labour market are included, as well as whether the scope of such work must be full time or part time, and whether a low-paid job is also included. Here we argue that “suitable work”, which the recipient of the minimum income has to accept, may not only fall within the broader professional sector, but must meet additional objective criteria, such as reasonable proximity between the workplace and the beneficiary’s place of residence, fair remuneration and balanced working hours. More generally, suitable work is considered decent work, ensuring that the risk of occupational downgrading is, in principle, removed.

Furthermore, given the strong link between poverty and education, beneficiaries of the minimum income scheme, who are adults up to 45 years old and have not completed compulsory education, are required, upon notification, to either sit for exams to obtain a primary school graduation certificate or to enrol in second-chance schools or evening secondary schools.⁷⁴ Beneficiaries must also ensure that any minor household members attend compulsory education.⁷⁵ More precisely, if the household includes minor members who meet the conditions for attending compulsory

71 Article 9, para. 3 of Ministerial Decision Δ13/οικ. 53923/23.07.2021.

72 Ibid.

73 Article 9, para. 3 of Ministerial Decision Δ13/οικ. 53923/23.07.2021.

74 Article 9, para. 6 of Ministerial Decision Δ13/οικ. 53923/23.07.2021.

75 Article 9, para. 7 of Ministerial Decision Δ13/οικ. 53923/23.07.2021.

education, the minimum income will only be granted on the condition that these minors are enrolled in and actively attend school, and only if the minor member is not required to repeat the same grade due to a high number of absences.⁷⁶ Given the potentially problematic nature of the provision's rigid wording, it is envisaged that exceptions will be introduced, particularly if the pupil's absences are due to health-related reasons. If a pupil fails to meet the obligation of adequate school attendance due to unjustified absences, the household may resubmit an application for the minimum income scheme six months later, provided the pupil is enrolled in the new school year.⁷⁷ It is noteworthy that while the legislator establishes this obligation, the coverage of education expenses are not accounted for in the calculation of the guaranteed minimum income.

Furthermore, all members of the beneficiary household are required to file an annual income tax return and to consent to a social survey, including home visits by municipal or Community Centre officials for on-site verification of the household's composition and living conditions.⁷⁸ Lastly, beneficiaries must comply with notices concerning personalised support services, such as psychosocial counselling or vocational guidance by qualified professionals.⁷⁹

If a beneficiary of the minimum income scheme fails to meet the obligations described above, his/her entitlement to the minimum income benefit is revoked.⁸⁰ In this case, the household may resubmit an application one month following the month in which the relevant obligations are met. Similarly, receipt of the minimum income is automatically suspended if electronic cross-checks reveal discrepancies.

IV. Concluding Remarks

As a latecomer among European countries, Greece's guaranteed minimum income scheme has been in operation for only a few years. Given that shortly after its introduction, a new constitutional provision was adopted, stipulating protection by the State of citizens' right to a decent standard

76 Article 235, para. 8 of Law 4389/2016 and Article 4, para. 1 of Ministerial Decision Δ13/οικ. 53923/23.07.2021.

77 Article 4, para.2 of Ministerial Decision Δ13/οικ. 53923/23.07.2021.

78 Article 9, para. 1 and 2 of Ministerial Decision Δ13/οικ. 53923/23.07.2021.

79 Article 9, para. 5 of Ministerial Decision Δ13/οικ. 53923/23.07.2021.

80 Article 11, para. 2 of Ministerial Decision Δ13/οικ. 53923/23.07.2021.

of living through a guaranteed minimum income scheme, the legislative framework of Greece's guaranteed minimum income scheme benefits from special constitutional protection. Any future reform of the existing scheme must therefore be examined in the light of this constitutional norm. Its abolishment could only be considered if an equivalent mechanism were introduced in its place.

From its operation, the greatest challenge facing the guaranteed minimum income scheme has been the adequacy of benefits provided. The thresholds for means-testing are very rigid, and exclude an important segment of the population, which struggles to meet their basic needs. At the same time, with the rising cost of living, the sufficiency of the benefit amount in ensuring a dignified standard of living for recipients is questionable. Overall, the newly introduced guaranteed minimum income scheme marks a transformative step for Greece's previously fragmented and under-developed social protection system, but still calls for further upgrading to meet the needs of contemporary standards of decent living.

