



Parliamentary Activity Support Directorate (DSAP)
Legislative and Parliamentary Studies Division (DELP)

REQUEST 6116

The offering of a financial advantage in exchange for the resignation of a seat in parliament

Requested by DENMARK - FOLKETINGET

Lisbon, 18th July 2025

1. Is there any legislation or other form of regulation, such as a code of conduct, that prohibits a Member of Parliament from accepting a financial advantage on the condition that they resign their seat; the act of offering such a proposal, including by individuals from the member's own party.

Nothing so specific is provided for.

The rights and duties of Members of the *Assembleia da República* (MP) are set out in the [Constitution](#)¹, the [Statute of Members](#)², the [Rules of procedure governing the exercise of functions by holders of political office and senior public office](#), and in other applicable legal provisions, in the provisions of the [Rules of Procedure](#), the Code of Conduct of the MP, and the regulatory provisions issued under the law.

As provided for in the [Code of Conduct](#), without prejudice to the duties laid down in the Constitution and the Statute of Members, MPs, in the exercise of their mandate, must comply with the reporting obligations to which they are subject, in particular regarding any incompatibilities and disqualifications, assets and the verification of possible conflicts of interest, within the time limit prescribed by law; **and reject gifts, hospitality or any other advantage as a reward for an action, omission, vote or influence over any decision** [Article 9 c) and d)]. Additionally, they must comply with their reporting obligations as laid down by law, stating any of their private interests that may affect the pursuit of the public interest (Article 8) and refrain from accepting gifts from natural or legal persons, public and private, whether national or foreign, of any type of goods or services that may affect independence in the exercise of their mandate (Article 10).

¹ In particular as provided for in Articles 152 a 160.

² In particular as provided for in Articles 7, 12, 14, 15, 20, 21, 22, 26 and 27-A.

It should also be noted that MP must act freely under the Constitution and the law, in compliance with their electoral commitments, acting in accordance with their conscience and independently of any natural or legal person (Article 4). In exercising their mandate, they shall comply with the general principles of conduct of freedom, independence, the pursuit of the public interest, transparency and political accountability (Article 2) and shall pursue the public interest and that of the citizens they represent, and shall not benefit from any financial or asset-related advantages, whether direct or indirect, for themselves or third parties, or any other unduly received reward by virtue of their office (Article 3).

Furthermore, holders of political office (including MP) must submit, electronically, to the legally competent authority³, within 60 days from the date they take office, a declaration of their income, assets, interests, incompatibilities, and impediments, referred to as the 'single declaration', in accordance with the model established by law. This single declaration must include, among other elements, acts and activities likely to give rise to incompatibilities and impediments, namely the registration of relevant financial interests, which includes the identification of acts that generate, directly or indirectly, payments, as well as other relevant interests (Article 13 of the [Rules of procedure governing the exercise of functions by holders of political office and senior public office](#)).

2. If so, what does the regulation entail, and how is it en-forced?

It is the the Parliamentary Committee on Transparency and the Statute of Members that ensures the implementation of the Code of Conduct and exercises the powers provided for therein, in particular: carrying out inquiries of its own motion, at the request of the MP concerned or upon a decision of the President of the AR; issuing general statements or recommendations, as provided for in the Statute of MP and preparing an annual report on the implementation of the Code and the Committee's activity in this field (Article 12 of the Code of Conduct). But there are no sanctions established for breaches of the rules set out in the Code of Conduct.

Failure to comply with the reporting obligations referred to in the previous answer, following notification, may result in the declaration of loss of office (for the MP) or prison term of up to three years for the crime of qualified disobedience (Articles 18 and 18-A of the Rules of

³ [Authority for Transparency Authority for Transparency](#) (independent body functioning in conjunction with the Constitutional Court, responsible for the assessment and oversight of the single declaration of income, assets, and interests submitted by holders of political office and high-ranking public officials). [Statute](#) (only available in portuguese).

procedure governing the exercise of functions by holders of political office and senior public office), without prejudice to parliamentary immunities.⁴

Finally, it is worth mentioning that Article 335 of the Portuguese Penal Code criminalizes influence peddling by anyone who, directly or through an intermediary, with their consent or ratification, requests or accepts, for themselves or for a third party, a pecuniary or non-pecuniary advantage, or the promise thereof, in order to abuse their real or alleged influence with any public entity, whether national or foreign. Chapter IV addresses crimes committed in the exercise of public functions (Articles 372 and following), namely the undue receipt of advantage and both active and passive corruption.

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⁴ MP may not be heard as witnesses nor as defendants without the authorization of the Assembly, and no Member may be detained or arrested without the Assembly's authorization, except in cases of intentional crime punishable by a maximum prison sentence of more than three years and when caught in the act (Article 11 of the Statute of MP).