



ROMANIA

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Reply to ECPRD Request No. 6116

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

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Dear Colleagues,

Please find below the answers to the questions raised in **ECPRD Request No. 6116: The offering of a financial advantage in exchange for the resignation of a seat in parliament.**

1) Is there any legislation or other form of regulation, such as a code of conduct, that prohibits:

i. A Member of Parliament from accepting a financial advantage on the condition that they resign their seat;

ii. The act of offering such a proposal, including by individuals from the member's own party.

2) If so, what does the regulation entail, and how is it enforced?

In Romania, according to Article 69 of the [Constitution](#), any imperative mandate is null and void. Also, [Law 96/2006 on the Statute of Deputies and Senators](#) obliges parliamentarians to respect the principle of legality and good faith, including in the sense that they are forbidden to assume financial or other obligations towards natural or legal persons, intended to influence the exercise of their mandate in good faith, according to their conscience (Art. 11).

There are no express provisions in Romanian law regarding the situation in which a Member of Parliament accepts a financial advantage in exchange for giving up their mandate; however, this can be categorised as bribery, which is punishable under criminal law.

Thus, [Law 78/2000 on the prevention, detection and sanctioning of acts of corruption](#) provides:

Article 5

(1) Within the meaning of this Law, the offences referred to in Articles 289-292 of the [Criminal Code](#), including when committed by persons referred to in Article 308 of the Criminal Code, are corruption offences.

.....

Article 6

The offenses of taking bribes, referred to in Article 289 of the Criminal Code, giving bribes, referred to in Article 290 of the Criminal Code, trading in influence, referred to in Article 291 of the Criminal Code, and buying influence, referred to in Article 292 of the Criminal Code, shall be punished following the provisions of those laws.

.....

Article 13

The offense of a person who holds a leading position in a party, a trade union or an employers' organization or in a non-profit legal person, to use his influence or authority to obtain for himself or another person money, goods or other undue advantage, shall be punishable by imprisonment for a term of one to five years.

In Romania, the vacancy of a parliamentary seat is provided for by Article 70(2) of [the Romanian Constitution](#):

(2) The capacity of a deputy or senator ceases on the date of the legal meeting of the newly elected Chambers or in the event of resignation, loss of electoral rights, incompatibility or death.

The termination of the mandate and the procedures assumed in this situation are dealt with in detail in [Law 96/2006 on the Statute of Deputies and Senators](#) (Article 7), [the Rules of the Chamber of Deputies](#) (Articles 233, 240-242) and in the [Law 208/2015 on the election of the Senate and the Chamber of Deputies, as well as on the organization and functioning of the Permanent Electoral Authority](#) (Article 94, paragraph 13).

Kind regards,
Irina-Sorina ANASTASE