



**Reply to the ECPRD request no. 6116 on “The offering of a financial advantage in exchange for the resignation of a seat in parliament”**

**Questions**

- 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?

**Answers**

1. There is no explicit provision in Romanian legislation that addresses the resignation of a Member of Parliament in direct exchange for financial gain. However, such an act would fall under the umbrella of criminal corruption, as defined by the national criminal legislation and anti-corruption framework.

According to Article 69 of the Romanian Constitution, the parliamentary mandate is not subject to binding instructions — meaning that MPs cannot be legally obligated or externally influenced in how they exercise or terminate their mandate.

Additionally, under Law No. 96/2006 on the Statute of Deputies and Senators, elected officials are required to observe the principles of legality and good faith, and are prohibited from entering into financial or contractual commitments with individuals or entities that may compromise the integrity of their duties.

Thus, if a financial offer is made or accepted with the purpose of inducing a resignation, this conduct would likely be interpreted as bribery or influence peddling, depending on the circumstances.

2. The anti-corruption legislation in force, particularly Law No. 78/2000, extends the scope of criminal liability to such situations through the application of the Criminal Code:

- Bribe-taking (Art. 289 CC) and bribe-giving (Art. 290 CC) apply when money or other benefits are received or offered to influence official conduct;
- Trading in influence (Art. 291 CC) and buying influence (Art. 292 CC) are also relevant where the exertion of power or authority is used in exchange for undue advantages;
- Law 78/2000, Article 13 includes sanctions for individuals in leadership roles (e.g., political parties, unions, NGOs) who use their influence to obtain personal or third-party benefits.

These offenses are prosecuted by the National Anticorruption Directorate (DNA), which has competence over corruption cases involving public officials, including Members of Parliament.