

## **ECPRD 6116 on The offering of a financial advantage in exchange for the resignation of a seat in parliament**

Reply by the House of Representatives of the Republic of Cyprus

**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.**

The legal and regulatory framework of the Republic of Cyprus includes several provisions that, although not explicitly referring to the above, prohibit the offering or acceptance of financial advantage in return for the resignation of a Member of the House of Representatives. Such provisions are included in the Constitution of the Republic of Cyprus, the Criminal Code (Cap. 154), the Rules of Procedure of the House of Representatives, the Code of Conduct for Members of the House and the internal rules of political parties.

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

Article 71 of the Constitution of the Republic of Cyprus, stipulates that a Member of the House can vacate their seat under specific conditions, i.e. death, resignation in writing submitted to the President of the House, loss of eligibility due to conviction for certain criminal offences or mental incapability of performing their duties, loss of citizenship of the Republic, or upon assumption of an office/position incompatible with the status of an MP (i.e. Minister, Member of Municipal Council, Member of Armed or Security Forces, etc). There is no provision allowing for conditional or transactional resignation in exchange for financial compensation.

Such an arrangement can be considered a criminal offence. As provided for in the Criminal Code (Cap.154), Article 100, any person who - (a) is a public officer entrusted with the execution of any official duty and in a manner indicating intent requests, accepts or obtains or agrees to request, accept or obtain any property or benefit of any kind for themselves or for any other person, or (b) offers, promises or agrees to offer or provide any property or benefit of any kind to a public officer with the purpose of influencing the officer to do or omit to do something in the execution of their duties, is guilty of a misdemeanour and is liable to imprisonment for 7 years and/or a fine.

Furthermore, the Rules of Procedure of the House of Representatives uphold the principles of independence and integrity, while the Code of Conduct for Members of the House of Representatives, adopted in 2021, explicitly requires MPs to act in the public interest and avoid conflicts of interest. Specifically, as per Sections 1 and 3 of Part III of the Code of Ethics, MPs must not accept any gift or other gratuitous benefit, except those expressly provided for and institutionally permitted under the provisions of the Code. In the performance of their duties, MPs shall not receive or accept any gift or other benefit, except for items of purely complimentary nature and/or of minor value with commemorative character, offered within the context of customary protocol. Part IV of the Code, provides that in the exercise of their duties, MPs are obliged, where possible in advance, to disclose any existing or potential conflict of interest arising from the existence or possibility of a certain role, data and/or the occurrence of specific events that relate directly to a personal or private interest. Any breach of the Code of Conduct can result in disciplinary measures imposed by the Special Committee on Ethics of the Members of the House of Representatives.

Lastly, most political parties in Cyprus have their own Statutes and Codes of Ethics for their Members, safeguarding integrity, transparency, internal discipline, party loyalty and ethical conduct, with consequences for breaches ranging from disciplinary actions to expulsion from the party.