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THE SWEDISH PARLIAMENT
Research Service

ECPRD REQUEST 2425

Code of Conduct for Members of Parliament

FINAL SUMMARY

PREPARED BY
The Research Service of the Swedish Parliament

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CODE OF CONDUCT FOR MEMBERS OF PARLIAMENT

Questions to parliaments in the EU member states via the ECPRD

Via the ECPRD, the Riksdag Research Service has put the following questions to all the parliaments in the EU, as well as the Norwegian Parliament and the European Parliament.

Due to a GRECO Evaluation Report, the Riksdag is examining the possibility to adopt a Code of Conduct for members of the Riksdag.

In your Parliament, do you have a Code of Conduct for MPs?

If so, could you please provide us with a copy or a link, preferably in English.

Of the 29 parliaments that were asked, 28 have replied, of which eleven countries, including the European Parliament, say that they *have adopted a code of conduct* for the members of parliament (France, Germany, Ireland, Norway, Malta, Latvia, Lithuania, Poland, Portugal, UK and the European Parliament, see appendix 1 below). Twelve countries say that they have *no* code of conduct (Austria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Greece, Hungary, Italia, the Netherlands, Slovakia and Spain, see appendix 2 below). Five countries say that they intend to adopt such a code within the near future (Belgium, Finland, Luxembourg, Romania and Slovenia, see appendix 3 below). Estonia has been looking into the issue of adopting a code for a long time but has not yet realised this goal.

According to Norway they do not have a code of conduct, but they do have an ethical code. The latter code contains several of the elements that are typical of a code of conduct, which is why the Riksdag Research Service has chosen to regard this code as a code of conduct.

Bulgaria and has not replied. However, according to an ECPRD request from 2011, shows that Bulgaria had not adopted a code of conduct at that time.

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Previous ECPRD question

In 2011, the European Parliament addressed a question via the ECPRD about lobbying and codes of conduct to all the member states. Judging by the summaries of the replies, just six countries had a code of conduct at that time (see quotation below). Of these six, two parliaments have failed to respond to the Riksdag Research Service's question: the German Bundestag (however the Bundesrat replied that they did not have a code of conduct) and the Slovakian Parliament.

The codes of conduct as documents are exceptions: it is the case in the **French** Assemblée Nationale (since 6 March 2011), in the **German** Bundestag, in Ireland, in the Sejm of **Poland**, in **Portugal**, and in the **UK** House of Commons. A minority part is the National Constitutions containing these rules: it is the case in **Slovakia**.

Typically speaking, the codes of conduct contain several provisions on how members of parliament should act and conduct themselves, among other things, by showing respect for parliament, its members and the voters. The fact that several of the codes contain demands for "politeness" may be one of the reasons why a number of countries have chosen to call their codes "Code of Ethics". Other countries have instead included demands for good conduct in their equivalents to the Riksdag Act (containing rules of parliamentary procedure). In its summary of the ECPRD question from 2011, the European Parliament writes:

The rules of procedure are the main source to draw a precise picture of the general code of conducts for the behaviour of Members. However, this idea is not especially linked to financial interests most of the time but to a very broad range of obligations (including politeness). The questionnaire in this respect is very interesting. Answering the question: "is there any obligation to avoid dishonourable behaviour or bringing an institution into disrepute?" most of the National Parliaments answered guidelines of conduct during sessions, between members, concerning language of physical violence.

The concepts used in the "codes of conduct" or so-called documents are redundant. The main aims are transparency on the one hand and anti-corruption on the other. This difference depends on the political culture. The main purpose of the codes of conducts are to recall a series of concepts and general rules that must drive a parliamentarian's work: public interest, justice, honesty . - - The latest code of conduct is the one presented by the French Assemblée Nationale, it gives a good summary of the driving principles: general interest, independence, objectivity, accountability, probity and exemplary nature.

Essentially, most of the codes that the Research Service has read contain introductory provisions about how members should behave, followed by provisions on conflicts of interest, registration of economic interests and bribes in connection with gifts, and in some cases on transparency and information that is subject to secrecy provisions.

An interesting observation is made in the above-mentioned ECPRD summary between the French and the British codes of conduct.

The most important difference with the French model is the following: the French model provides guidelines to be followed by MPs. The responsibility lays on each MP and its particular behaviour toward those rules. The English model aims to provide an environment of openness and transparency. It is based on a behaviourist approach: in such an environment, the MPs are monitored and would prefer to avoid the risk to bring disrepute onto them and the institution.

ANNEX 1.

Below the answers to the question from the Swedish Research Service from the countries that have a code of conduct, in original.

FRANCE

Considérant que le respect des actes du pouvoir législatif est un objectif énoncé par la Déclaration des droits de l'homme et du citoyen de 1789 ; que, selon l'article III de la Déclaration « le principe de toute Souveraineté réside essentiellement dans la Nation. Nul corps, nul individu ne peut exercer d'autorité qui n'en émane expressément. » et, selon l'article VI : « la loi est l'expression de la volonté générale. Tous les citoyens ont droit de concourir personnellement, ou par leur représentants, à sa formation. »

Considérant que l'article 3 de la Constitution dispose que « la souveraineté nationale appartient au peuple qui l'exerce par ses représentants et par la voie du référendum. » ; qu'aux termes de l'article 24 : « Le Parlement vote la loi. Il contrôle l'action du Gouvernement. Il évalue les politiques publiques. » ; que selon l'article 26 : « Aucun membre du Parlement ne peut être poursuivi, recherché, arrêté, détenu ou jugé à l'occasion des opinions ou votes émis par lui dans l'exercice de ses fonctions. » ; que l'article 27 dispose que : « Tout mandat impératif est nul. » ;

Considérant qu'en toutes circonstances, les députés doivent faire prévaloir les intérêts publics dont ils ont la charge et que le respect de ce principe est l'une des conditions essentielles de la confiance des citoyens dans l'action de leurs représentants à l'Assemblée nationale ;

Qu'en conséquence, les députés ont le devoir de respecter l'intérêt général, les principes d'indépendance, d'objectivité, de responsabilité, de probité et d'exemplarité et s'engagent à respecter ces principes énoncés dans le présent code.

Article premier

L'intérêt général

Les députés doivent agir dans le seul intérêt de la nation et des citoyens qu'ils représentent, à l'exclusion de toute satisfaction d'un intérêt privé ou de l'obtention d'un bénéfice financier ou matériel pour eux-mêmes ou leurs proches.

Article 2

L'indépendance

En aucun cas, les députés ne doivent se trouver dans une situation de dépendance à l'égard d'une personne morale ou physique qui pourrait les détourner du respect de leurs devoirs tels qu'énoncés dans le présent code.

Article 3

L'objectivité

Les députés ne peuvent intervenir dans une situation personnelle qu'en considération des seuls droits et mérites de la personne.

Article 4

La responsabilité

Les députés doivent rendre compte de leurs décisions et de leurs actions aux citoyens qu'ils représentent.

A cette fin, les députés doivent agir de manière transparente dans l'exercice de leur mandat.

Article 5

La probité

Les députés ont le devoir de faire connaître tout intérêt personnel qui pourrait interférer dans leur action publique et prendre toute disposition pour résoudre un tel conflit d'intérêts au profit du seul intérêt général.

Article 6

L'exemplarité

Chaque député doit promouvoir, dans l'exercice de son mandat, les principes énoncés dans le présent code.

GERMANY

Code of Conduct for Members of the German Bundestag

Rule 1

Obligation to provide information

(1) A Member of the Bundestag shall be obliged, in respect of the period prior to his membership of the Bundestag, to inform the President in writing of

1. the occupation he or she last practised;

2. activities as member of a board of management, supervisory board, administrative board, advisory board or other body of a company or of an enterprise operated in another legal form;

3. activities as member of a board of management, supervisory board, administrative board, advisory board or other body of a corporation or institution under public law;

(2) Moreover, a Member of the Bundestag shall be obliged to inform the President in writing of the following activities engaged in or taken up, or contracts binding on him, during membership of the Bundestag:

1. remunerated activities engaged in alongside the exercise of his office, either by virtue of being self-employed or by virtue of being a salaried employee. These include, for example, continuing an occupation engaged in prior to membership of the Bundestag, as well as consultancy, representation, the provision of expert opinions, or writing or lecturing activities. There shall be no obligation to inform the President of fees received for the provision of expert opinions and for writing or lecturing activities where the income agreed upon does not exceed the sum of €1000 per month or €10,000 per year;

2. activities as member of a board of management, supervisory board, administrative board, advisory board or other body of a company or of an enterprise operated in another legal form;

3. activities as member of a board of management, supervisory board, administrative board, advisory board or other body of a corporation or institution under public law;

4. activities as member of a board of management or other managerial or advisory body of a club, association or similar organisation, or of a foundation of not exclusively local importance;

5. the existence or making of agreements whereby the Member of the Bundestag is to be assigned certain activities or receive pecuniary benefits during or after membership of the Bundestag;

6. Interests held in a joint-stock company or partnership, if this results in considerable economic influence on the company. The limits of the obligation to declare interests shall be laid down by the President in the implementing provisions to be issued pursuant to paragraph (4).

(3) In respect of activities or contracts for which an obligation to provide information pursuant to paragraph (2), numbers 1 to 5 exists, the amount of income derived therefrom shall also be declared if it exceeds the amount of €1000 within one month or the amount of €10,000 within one year. Calculations

to determine whether the ceilings are exceeded shall be based on the gross amounts due for an activity, including expenses, compensation and benefits in kind.

(4) The President shall, after providing the Presidium and the chairpersons of the parliamentary groups with the opportunity to comment, issue implementing provisions on the content and scope of the obligation to provide information.

(5) The obligation to provide information shall not include the notification of facts concerning third parties in respect of whom the Member can invoke a statutory right to refuse to give evidence or a duty not to disclose confidential information. In such cases, the President may stipulate in the implementing provisions that the obligation to provide information must be fulfilled such that the rights set out in sentence 1 are not infringed. To this end, he may, in particular, include provisions requiring the naming of the economic sector concerned, rather than details of the client concerned.

(6) Declarations of interest pursuant to the Code of Conduct must be submitted to the President within three months of becoming a Member of the German Bundestag, or when changes or additions occur during the electoral term.

Rule 2

Lawyers

(1) Members of the Bundestag who, for a fee, represent the Federal Republic of Germany in court or out of court, shall inform the President of this representation if the fee exceeds a minimum amount specified by the President.

(2) Members of the Bundestag who, for a fee, represent a third party in court or out of court against the Federal Republic of Germany shall inform the President of this representation if the fee exceeds a minimum amount specified by the President.

(3) Paragraphs (1) and (2) shall apply mutatis mutandis in respect of the representation of a party in court or out of court, particularly for or against federal corporate bodies, institutions or foundations under public law.

Rule 3

Publication

The information furnished pursuant to Rule 1, paragraph (1), number 1 and paragraph (2), numbers 1 to 6, shall be published in the Official Handbook and on the website of the German Bundestag. For information furnished pursuant to Rule 1, paragraph (3) on income, each declared case shall be placed in one of three categories depending on the level of income received and the category of income published. Category 1 applies to one-off or regular monthly income

between €1000 and €3500; category 2 applies to income up to a ceiling of €7000; and category 3 applies to income above the threshold of €7000. Regular monthly income is labelled as such. Where irregular income from an activity is declared during a calendar year, the annual sum is calculated and the category of income is published for the year concerned.

Rule 4

Donations

(1) A Member of the Bundestag shall keep separate account of donations of money and all kinds of gifts of pecuniary value (donations) made available to him for his political activities.

(2) A donation the value of which exceeds €5000 in one calendar year shall be notified to the President, with the name and address of the donor and the total amount donated being stated.

(3) Donations the value of which individually or, in the case of several donations from the same donor, taken together, exceeds €10,000 in one calendar year shall be published by the President, with the amount and origin being stated.

(4) In respect of donations of money to a Member of the Bundestag, Section 25, paragraphs (2) and (4) of the Law on Political Parties shall apply *mutatis mutandis*.

(5) Gifts of pecuniary value shall be treated in the same way as donations of money pursuant to the following provisions:

a) Gifts of pecuniary value received in connection with interparliamentary or international activities or participation in events to state the viewpoints of the German Bundestag or of its parliamentary groups shall not be deemed to be donations within the meaning of this regulation; however, they shall be declared pursuant to paragraph (2).

b) Gifts of pecuniary value which a Member of the Bundestag receives as a guest in connection with his mandate shall be notified and handed to the President; the Member may apply to keep the gift if he pays the Federal Cash Office a sum equivalent to its value. Notification is not required if the material value of the gift does not exceed a sum laid down in the implementing provisions issued by the President (Rule 1, paragraph (4)).

(6) The President shall, in consultation with the Presidium, take a decision on the use of declared gifts which Members have received as guests as well as of donations unlawfully accepted.

Rule 5

Reference to membership

In occupational or business matters no reference shall be made to membership of the Bundestag.

Rule 6

Disclosure of interests as a committee member

Every Member of the Bundestag in receipt of remuneration for his activities in connection with a subject to be debated in a committee of the Bundestag shall, prior to the deliberations, disclose as a member of that committee any link between these interests and the subject to be debated where this is not evident from the information published pursuant to Rule 3.

Rule 7

Request for further information

In cases of doubt the Member of the Bundestag shall be obliged to ascertain, by requesting further information from the President, what his duties resulting from this Code of Conduct are.

Rule 8

Procedure

(1) If there are indications that a Member of the Bundestag has failed to meet his obligations pursuant to the Code of Conduct, the President shall in the first instance gain a statement from the Member concerned and then set in motion a factual and legal investigation of the facts of the case and the legal facts. He may demand further information from the Member concerned to explain and clarify the situation and may ask the chairperson of the parliamentary group to which the Member concerned belongs to state his position.

(2) If, having examined the facts, the President believes that the case in question constitutes a less serious case, or a case of minor negligence (e.g. failure to declare information before the relevant deadline), the Member concerned shall receive an admonishment. Where this is not the case, the President shall inform the Presidium and the chairpersons of the parliamentary groups of the result of the investigation. Having heard the Member concerned, the Presidium shall then state whether a failure to comply with the Code of Conduct has taken place. A statement by the Presidium that a Member of the Bundestag has failed to meet his obligations pursuant to the Code of Conduct shall, notwithstanding further sanctions pursuant to Section 44a of the Members of the Bundestag Act, be

published as a printed paper. A statement that no such offence has been committed shall be published at the request of the Member of the Bundestag.

(3) If there are indications that a member of the Presidium or the chairperson of a parliamentary group has failed to meet his obligations, the Member of the Bundestag concerned shall not attend meetings in the framework of these proceedings. In place of the chairperson of the parliamentary group concerned, his deputy shall be heard pursuant to paragraph (1) and informed pursuant to paragraph (2). If there are indications that the President has failed to meet his obligations, his deputy shall proceed in accordance with the provisions of paragraphs (1) and (2).

(4) After hearing once again the Member who has failed to meet his reporting obligations, the Presidium may decide to impose a coercive fine. The level of the fine shall depend on the gravity of the case in question and the degree of fault. The fine may not exceed fifty per cent of the annual remuneration for Members. The President shall decide on the level of the fine. At the request of the Member in question, he shall be allowed to pay the fine in instalments. Section 31, sentences 3 and 4 of the Members of the Bundestag Act shall apply *mutatis mutandis*.

(5) In cases covered by Section 44a paragraph (3) of the Members of the Bundestag Act, the President shall, after hearing the Member concerned, set in motion a factual and legal investigation. The examination of whether an appropriate service has been rendered in return within the meaning of Section 44a paragraph (2), sentence 3 of the Members of the Bundestag Act shall be based on the levels of remuneration which could typically be expected; an examination of whether the benefits received and the service provided are obviously out of proportion shall assist in this. Measures pursuant to this paragraph can only be taken within three years of receipt of the gift or pecuniary benefits. The President may ask the Member to provide additional information to explain and clarify the facts of the case and ask the chairperson of the parliamentary group to which the member belongs for a statement. If the President believes that an impermissible remuneration as defined by Section 44a paragraph (2) of the Members of the Bundestag Act has been paid, he shall inform the Presidium and the chairpersons of the parliamentary groups of the result of the investigation. After hearing the Member concerned, the Presidium shall ascertain whether an infringement of Section 44a paragraph (2) of the Members of the Bundestag Act has taken place. The President shall assert this entitlement by means of an administrative act, in line with Section 44a paragraph (3) of the Members of the Bundestag Act. Notwithstanding further sanctions pursuant to Section 44a of the Members of the Bundestag Act, the statement indicating that a Member of the Bundestag has infringed his duties under the

Members of the Bundestag Act shall be published as a printed paper. The statement that an infringement has not taken place may be published at the request of the Member of the Bundestag. Paragraph (3) applies mutatis mutandis.

IRELAND

PREAMBLE

Members of Dáil Éireann other than office holders (referred to hereafter as "Members") recognise that it is in their individual and collective interest to foster and sustain public confidence and trust in their integrity as individuals and in Dáil Éireann as an institution. To this end, Members should at all times be guided by the public good and ensure that their actions and decisions are taken in the best interests of the public.

Members are in the unique position of being responsible to the electorate which is the final arbiter of their conduct and has the right to dismiss them from office at regular elections. Accordingly, and as a matter of principle, individual Members are not answerable to their colleagues for their behaviour, except where it is alleged to breach the obligations to answer to them which have been placed on Members by law, by Standing Orders or by Codes of Conduct established by the House.

To this end and in exercise of the powers conferred by Article 15.10 of the Constitution, the Members have adopted this Code of Conduct, the purpose of which is to assist Members in the discharge of their obligations to the House, their constituents and the public at large, without, however, trespassing into areas where Members more properly submit themselves to the judgement of their electors rather than the jurisdiction of this House.

CODE

1. Members must, in good faith, strive to maintain the public trust placed in them, and exercise the influence gained from their membership of Dáil Éireann to advance the public interest.
2. Members must conduct themselves in accordance with the provisions and spirit of the Code of Conduct and ensure that their conduct does not bring the integrity of their office or the Dáil into serious disrepute.
3. (i) Members have a particular obligation to behave in a manner which is consistent with their roles as public representatives and legislators, save where there is a legitimate and sustainable conscientious objection.

(ii) Members must interact with authorities involved with public administration and the enforcement of the law in a manner which is consistent with their roles as public representatives and legislators.

4. (i) Members must base their conduct on a consideration of the public interest and are individually responsible for preventing conflicts of interest.

(ii) Members must endeavour to arrange their private financial affairs to prevent such conflicts of interest arising and must take all reasonable steps to resolve any such conflict quickly and in a manner which is in the best interests of the public.

5. (i) A conflict of interest exists where a Member participates in or makes a decision in the execution of his or her office knowing that it will improperly and dishonestly further his or her private financial interest or another person's private financial interest directly or indirectly.

(ii) A conflict of interest does not exist where the Member or other person benefits only as a member of the general public or a broad class of persons.

6. Members may not solicit, accept or receive any financial benefit or profit in exchange for promoting, or voting on, a Bill, a motion for a resolution or order or any question put to the Dáil or to any of its committees.

7. Members must fulfil conscientiously the requirements of the Dáil and of the law in respect of the registration and declaration of interests and, to assist them in so doing, should familiarise themselves with the relevant legislation and guidelines published from time to time by the Committee on Members' Interests and the Standards in Public Office Commission as appropriate.

8. (i) Members must not accept a gift that may pose a conflict of interest or which might interfere with the honest and impartial exercise of their official duties.

(ii) Members may accept incidental gifts and customary hospitality.

9. In performing their official duties, Members must apply public resources prudently and only for the purposes for which they are intended.

10. Members must not use official information which is not in the public domain, or information obtained in confidence in the course of their official duties, for personal gain or the personal gain of others.

11. Members must co-operate with all Tribunals of Inquiry and other bodies inquiring into matters of public importance established by the Houses of the Oireachtas.

Adopted by Dail Eireann on 28 February, 2002

NORWAY

Etisk veileder for stortingsrepresentantene

(herunder møtende vararepresentanter)

Vedtatt av presidentskapet 13. juni 2013

Representantenes virke på Stortinget er regulert gjennom Grunnloven, Stortingets forretningsorden, særlige lover og forskrifter som gjelder representantene, og de vedtak som treffes av presidentskapet. For øvrig er representantene underlagt de samme lover og regler som alle andre borgere. Representantene må også være seg bevisst standarder og prinsipper av etisk karakter.

Å være stortingsrepresentant er Norges fremste tillitsverv. Det forventes at representantene ved sin opptreden viser seg tilliten verdig og bidrar til å ivareta Stortingets omdømme og kvalitet.

Presidentskapet ønsker at representantene skal ha et bevisst forhold til de allmenngyldige etiske verdier og normer som gjelder i det norske samfunnet. Vi ønsker å bidra til refleksjon og oppmerksomhet om etiske dilemmaer og valg ved å peke på enkelte sentrale etiske prinsipper og forhold som representantene bør være særlig oppmerksomme på. Det er viktig å forebygge at representantene kommer opp i situasjoner som i ettertid kan oppfattes som et tillitsbrudd.

Under utføring av vervet som representant er det samfunnets interesser som skal ivaretas. Representantene må ikke utnytte posisjonen som representant til å skaffe seg selv eller andre en uberettiget fordel.

I utgangspunktet er representantene habile i alle typer saker som behandles i Stortinget, også når de skal ta stilling til spørsmål som berører lovgivning eller budsjett som kan ha konsekvenser for dem selv. Det er på denne bakgrunn ikke gitt skriftlige habilitetsregler for behandling av saker i Stortinget. Likevel har det utviklet seg en viss praksis på området.

Representantene anses som inhabile til å delta i behandlingen av saker som gjelder egen fullmakt etter et stortingsvalg og ved behandlingen av spørsmål om konstitusjonelt ansvar for eget vedkommende. I disse sjeldne tilfellene er det representantens eget forhold som er gjenstand for Stortingets behandling. Det kan forekomme at en representant eller en av representantens nærstående har en særlig sterk personlig interesse i en sak som skal behandles i Stortinget. I slike tilfeller bør representanten vurdere å avstå fra å delta i behandlingen. Representanten kan eventuelt rådføre seg med presidentskapet om hvordan hun/han bør forholde seg.

Dersom representanten har et ønske om fratreden, kan det være aktuelt å søke om permisjon i medhold av Stortingets forretningsorden § 5, slik at vararepresentant kan innkalles. Utbytting kan også være et alternativ ved behov for fratreden.

Det må antas at det først og fremst vil være aktuelt å fratre under plenumsbehandlingen. Dersom representanten selv ønsker å fratre under debatt og votering, har Stortingets praksis vært å akseptere dette.

Det kan også tenkes situasjoner hvor representanten har et ønske om å fratre under komitébehandlingen. Da bør dette i så fall tas opp i komiteen.

Representantene har plikt til å registrere sine verv og økonomiske interesser i henhold til reglement om register for stortingsrepresentantenes verv og økonomiske interesser.

Det er ikke uforenlig med stortingsvervet å ha andre verv eller økonomiske interesser, men det anses som uheldig at representantene har skjulte bindinger eller inntekter. Dette er bakgrunnen for registeret for stortingsrepresentantenes verv og økonomiske interesser. Representantene er selv ansvarlige for å opplyse om de forhold som registerets reglement krever.

Hensikten med registeret er å gi en åpen og samlet informasjon om disse forhold. Eventuell uheldig rolleblanding eller interessekonflikter mellom vervet som representant og private interesser vil kunne avdekkes ut fra dette.

For at registeret skal ha den nødvendige troverdighet er det avgjørende at representantene gir korrekte og fullstendige opplysninger. Dette er også en forutsetning for at spørsmål som måtte bli stilt rundt representantenes standpunkter og motiv kan vurderes på et saklig og korrekt grunnlag.

Hvis det oppstår tvil om noe er registreringspliktig, kan dette i første omgang tas opp med registerfører.

Ingen representanter må fremme eller tale for en sak i Stortinget mot betaling, eller ta imot kompensasjon eller annen form for belønning eller gave som kan være ment å påvirke dem til å innta et spesielt standpunkt i en bestemt sak i Stortinget.

Gaver som mottas på vegne av Stortinget som institusjon, skal overleveres til Stortinget for oppbevaring, med mindre de har ubetydelig verdi.

Skulle det være tvil om en gave kan beholdes av mottaker selv, kan spørsmålet forelegges Stortingets direktør.

Representantene skal ikke motta gaver eller andre økonomiske fordeler egnet til å skape berettiget tvil om deres integritet. Det bør derfor alltid vurderes om en gave o.l. kan være gitt i den hensikt å påvirke representantens standpunkt i en eller flere bestemte saker. Momenter som gavens verdi og i hvilken sammenheng den er mottatt må her vektlegges.

Alle mottatte gaver eller andre økonomiske fordeler som har tilknytning til representantens virksomhet som sådan, og som er verdt mer enn 2000 kroner,

skal oppgis til register for stortingsrepresentantenes verv og økonomiske interesser.

Representantene skal ansvarsfullt benytte de ressurser som stilles til rådighet for at de skal kunne utføre sitt verv. Det forutsettes at representantene lojalt følger regelverket om godtgjørelser og utgiftsdekning.

Det er viktig å gjøre seg kjent med regelverket, som er tilgjengelig på Stortingets nettsider, og ellers spørre ansatte i administrasjonen hvis man er usikker på hva som gjelder, eller hvis man trenger assistanse til å få bedre oversikt over utlegg i forbindelse med tjenestereiser etc.

Åpenhet og innsyn for allmennheten om virksomhet og beslutningsprosesser på Stortinget er en forutsetning for tillit til Stortinget og representantene.

Åpenhet, innsyn og offentlighet er også viktige forutsetninger for et velfungerende demokrati.

I Grunnloven er det bestemt at Stortingets møter skal foregå for åpne dører. I Stortingets forretningsorden er det bestemmelser om åpne høringer og om at alle representantene skal registrere verv og økonomiske interesser i et offentlig register. Via Stortingets hjemmesider har allmennheten adgang til å følge med på Stortingets aktiviteter og beslutningsprosesser gjennom overføringer av stortingsmøter og høringer og ved tilgang til et bredt skriftlig materiale.

Stortinget praktiserer offentlighetsloven så langt det lar seg gjøre, og har vedtatt egne regler om rett til innsyn i Stortingets dokumenter.

Representantenes ytringsfrihet er en grunnlovfestet rettighet. Representantene har likevel taushetsplikt om alle saker som behandles for lukkede dører i Stortinget og om øvrig informasjon som er nærmere beskrevet i forretningsordenen § 73. Det er heller ikke adgang til å gjengi uttalelser som er gitt av andre komitémedlemmer i et lukket komitémøte, eller å gjengi andre fraksjoners merknader og forslag før innstilling er avgitt.

MALTA

The Code of Conduct of Members of Parliament is annexed to Cap. 113 of the Privileges and Powers Ordinance of the House of Representatives:

<http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8650&l=1>

(Article 16)

Code of Ethics of Members of the House of Representatives

1. A member of the House of Representatives shall at all times, both inside and outside the House, conduct himself in a manner which reflects the status and dignity of the House of Representatives.
2. A member of the House of Representatives shall adhere to the spirit and letter of the Rules of the House of Representatives and to the rules of duly constituted committees thereof as contained in the Standing Orders of the House or any resolution approved by the House of Representatives.
3. A member of the House of Representatives may not receive any remuneration or compensation under whatever form for his work as a Member of the House of Representatives, except for his official remuneration as a Member.
4. While a member of the House of Representatives is in duty bound to relay the complaints of his constituents and to make representations in their name to Government authorities the Member is expected not to use any improper influence, threats or undue pressure in the course of his duties.
5. Every member of the House of Representatives will annually at the time established by the Speaker of the House of Representatives indicate in a register which will be purposely kept by the Speaker, which register shall be open to inspection by the public:
 - a. his work or profession, and if he is employed, the identity of his employer;
 - b. his own immovable property, that of his spouse if the community of acquests applies, that of his minor children as well as, if he so wishes, the manner of its acquisition and of its use;
 - c. shares in commercial companies investments including money deposited in banks and any other form of pecuniary interest;
 - d. directorships or other official positions in commercial companies, associations, boards, co-operatives or other groups, even if voluntary associations;
 - e. a member of the House of Representatives, who has a professional interest, including work interest consultancy, management or any form of connection, pecuniary or otherwise, with persons, groups or companies, that have a direct interest in legislation before the House, shall declare his interest in the House, at the first opportunity, before a vote is taken on the Second Reading of a Bill;
 - f. a Member of the House of Representatives, shall not accept gifts from persons, groups or companies that had any direct or indirect intent in legislation before the House of Representatives;
 - g. a Member of the House of Representatives shall accept no honorarium for a speech, writing or publication, or other similar activity from any person,

organisation or companies in excess of the usual and customary value for such services;

h. a Member of the House of Representatives, who has made a visit outside Malta, financed in whole or in part by one person, group or company which has a direct interest in legislation before the House, shall declare the fact in a register purposely kept by the Speaker, and accessible to the public;

i. a Member of the House of Representatives is expected to report to the Speaker and to the competent authorities any attempt at corruption, pressure or undue influence by third persons, aimed at influencing his conduct as a member.

6. Reference shall not be made in professional, occupational or business matters to membership of the House of Representatives which in any way can give undue advantage to a member.

LATVIA

Code of Ethics for Members of the Saeima of the Republic of Latvia

1. The aim of the Code of Ethics for Members of the Saeima of the Republic of Latvia (hereinafter – the Code of Ethics) is to establish high standards of behaviour and thereby increase society's trust in the work of the Saeima.

2. The Code of Ethics is equally binding on all Members of the Saeima.

3. The Code of Ethics is an integral part of the Rules of Procedure of the Saeima. It sets forth principles, rules and recommendations regarding the professional ethics that Members of Parliament must observe in their attitude towards work, their relations with other Members of Parliament, other institutions and society.

4. A Member of Parliament honestly abides by the solemn oath he/she took as a Member of the Saeima.

5. A Member of Parliament respects and always complies with the Constitution, the Rules of Procedure of the Saeima and other regulatory documents.

6. A Member of Parliament is morally responsible to society for his/her activities (speeches, voting, etc.).

A Member of Parliament does not use pressure by the government officials, parties or other persons as an excuse for voting against his/her conscience.

A Member of Parliament acknowledges his/her mistakes and tries to correct them.

7. A Member of Parliament avoids using words, gestures and other actions that can be insulting and does not use offensive or otherwise inappropriate statements

that may dishonour the Saeima. A Member of Parliament bases his/her decisions on facts and their fair interpretation, as well as on logical argumentation.

8. A Member of Parliament does not use statements and does not support actions that may be regarded as incitement to illegal activity.

A Member of Parliament observes the principles of human rights and does not appeal to race, gender, skin colour, nationality, language, religious beliefs, social origin or state of health to justify his/her argumentation.

9. A Member of Parliament does not allow a conflict of personal or national interests and tries to avoid situations that may create the appearance that such a conflict exists.

A Member of Parliament refuses an invitation, does not participate in an event and tries to avoid any other situations that may give grounds for suspecting the presence of a conflict of interest or that may impair the prestige of the Saeima.

10. A Member of Parliament refrains from participating in a Saeima parliamentary investigative committee if his/her activity is related to the matter or period under investigation.

11. A Member of Parliament does not use his/her influence to illegally achieve favourable decision by a public administrative institution.

12. A Member of Parliament refrains from using for personal benefit or the benefit of persons associated with him/her confidential information acquired by virtue of his/her office.

13. A Member of Parliament uses the property and resources given to him/her as frugally as possible.

14. In the buildings of the Saeima, a Member of Parliament is properly attired and groomed. A Member of Parliament does not frequent public places if he/she is under the influence of alcohol or psychoactive substances or presents a grossly indecorous appearance.

15. A Member of Parliament complies with the lawful requests made by law enforcements officers.

16. A Member of Parliament is polite to employees of the Saeima and of other public or municipal institutions, as well as to every member of society.

17. A Member of Parliament keeps learning and acquires knowledge about democratic and political culture in his/her own country and other countries.

18. A Member of Parliament perfects his/her rhetoric knowledge and use of the Latvian language.

19. A Member of Parliament refrains from showing off on the Saeima rostrum.

20. In his/her private life, a Member of Parliament does not discredit the prestige of the Saeima or raise doubts about his/her ability to honestly fulfil the duties as a Member of Parliament.

21. A Member of Parliament regularly keeps open ties with society.

22. A Member of Parliament is responsive to society and the mass media.

23. A Member of Parliament does not avoid answering questions unless the questions pertain to confidential information or information related to his/her private life.

(Adopted on 2 March 2006)

Last amended on 19 January 2012

LITHUANIA

REPUBLIC OF LITHUANIA

law on the approval, entry into force and implementation of the code of conduct for state politicians

19 September 2006 No X-816

Vilnius

Article 1. Approval of the Code of Conduct for State Politicians of the Republic of Lithuania

The Seimas hereby approves the Code of Conduct for State Politicians of the Republic of Lithuania.

Article 2. Entry into Force of the Code of Conduct for State Politicians of the Republic of Lithuania

The Code of Conduct for State Politicians of the Republic of Lithuania shall come into force on 1 October 2006.

Article 3. Implementation of the Code of Conduct for State Politicians of the Republic of Lithuania

1. Municipal councils, until 30 September 2006, shall set up commissions specified in subparagraph 2 of paragraph 1 of Article 6 of this Code and approve legal acts required for the implementation of this Code at municipal councils.

2. The Government of the Republic of Lithuania, until 30 September 2006, on the recommendation of the Chief Commission of Official Ethics, shall approve the Regulations of the Register of Private Interests of Politicians.

I promulgate this Law passed by the Seimas of the Republic of Lithuania.

PRESIDENT OF THE REPUBLIC VALDAS ADAMKUS

APPROVED

by Law No X-816

of 19 September 2006

REPUBLIC OF LITHUANIA

CODE OF CONDUCT FOR STATE POLITICIANS

Article 1. Purpose and Tasks of the Code

1. The Code of Conduct for State Politicians of the Republic of Lithuania (hereinafter – the Code) has the objective of implementing the constitutional principle that state institutions have to serve the people, developing democratic management, increasing confidence of the society in state and municipal institutions and promoting responsibility of state politicians and candidates for state politicians for their actions and accountability to the public.
2. This Code shall regulate the basics of principles and requirements in respect of the conduct of state politicians in public life and also the measures ensuring the control of the conduct of politicians and liability for violating the provisions of this Code.
3. Other laws and legal acts of the Republic of Lithuania that regulate the activities of institutions in which state politicians hold office may set other requirements in respect of the conduct of state politicians provided they do not contravene with the principles of the conduct of state politicians laid down in this Code.

Article 2. Definitions

1. “State politicians” shall mean persons who are elected, in accordance with the procedure set forth by laws, as Member of the Seimas, President of the Republic, Member of the European Parliament, member of a municipal council or mayor of a municipality or appointed as Member of the Government or a deputy mayor of a municipality.
2. “Candidates for the office of state politicians” shall mean persons who are registered, in accordance with the procedure set forth by laws, as candidates for Member of the Seimas, President of the Republic, Member of the European Parliament or member of a municipal council.
3. “Persons closely related to a state politician or a candidate for the office of state politicians” shall be a state politician’s or a candidate’s for the office of state politicians:
 - 1) parents (adoptive parents), children (adopted children);

- 2) brothers and sisters;
- 3) grandparents and grandchildren;
- 4) spouse;
- 5) cohabitant;
- 6) partner provided partnership has been registered in accordance with the procedure set forth by laws.
4. "Private life" shall mean personal, home and domestic life, and intimate life of a state politician as well as his activities not related with the duties of a state politician, political activities or the institution in which he holds office. The conduct or personal features of a state politician that are related to certain circumstances of his private life and that are likely to have influence over public interests shall not be considered private life.
5. "Private interests" shall mean pecuniary or non-pecuniary interest of a state politician, a candidate for the office of state politicians and/or persons closely related to them, which may influence the decisions made by the state politician and/or his political activities.
6. "Political activities" shall mean a state politician's actions, conduct and participation in the activities of representative and executive institutions during his tenure.
7. "Public interests" shall mean a public interest that in public life a politician would act in compliance with the Constitution of the Republic of Lithuania and its legal acts and would take decisions only for the benefit of the state, a municipality and the society.
8. "Public life" shall mean a state politician's political activities as well as a state politician's conduct not related to his private life.

Article 3. Application of the Code

1. This Code shall apply to state politicians, except for the President of the Republic and Members of the European Parliament.
2. This Code shall apply to Members of the European Parliament to the extent their conduct is not regulated by legal acts adopted by the European Parliament and laws and other legal acts of the Republic of Lithuania.
3. This Code shall apply to candidates for the office of state politicians to the extent they have to declare their private interests, as established by law.
4. This Code shall also apply to Chairmen and Deputy Chairmen of parliamentary parties.

Article 4. *Principles of Conduct of State Politicians*

In public life, a state politician shall adhere to the following principles of conduct:

- 1) respect for an individual person and the state - shall respect and ensure fundamental human rights and freedoms, act in compliance with the Constitution and legal acts, and increase confidence in the state and its institutions;
- 2) justice – shall equally serve all the people irrespective of their nationality, race, gender, language, origin, social status, education, religious beliefs, political views, age and any other differences;
- 3) honesty – shall perform his duties honestly and adhere to the highest standards of conduct, and avoid situations that may influence taking the decisions that may raise doubts in the society;
- 4) transparency and publicity – when taking decisions, shall not raise doubts as to honesty, reveal the motives of his conduct and decisions to the society, always upkeep to the principles of openness and publicity, except for the cases specified by laws restricting the disclosure of information, and declare his private interests;
- 5) decency – shall act properly according to the office held, avoid situations when the politician's conduct could damage his, or the institution's in which he holds office, reputation and standing, avoid unfair ways of seeking advantage, and use the received official information only for performing his duties and shall not make profit from it;
- 6) exemplariness – shall act properly in the public and adhere to the universally accepted norms of morality, morals and ethics;
- 7) selflessness – shall serve the state and the public interests, avoid any apparent or real conflict of public and private interests, and, in the event of such conflict, undertake all the required measures to resolve them promptly and make them coincide with the public interests, and shall not use his post or position seeking to influence the decision to be taken by another person, which might be beneficial for the politician or a person closely related to him;
- 8) impartiality – shall not have contractual or any other relations which could hinder proper fulfilment of the duties of a state politician and would restrict his freedom of self-determination when taking decisions and shall be objective when taking decisions and avoid prejudices;
- 9) responsibility – shall bear responsibility for his conduct in public life, the decisions taken and account for them to the public.

Article 5. *Declaration of Private Interests by State Politicians and Candidates for the Office of State Politicians*

1. State politicians shall declare their private interests in accordance with the procedure set forth by the laws and other legal acts.
2. Candidates for the office of state politicians shall declare their private interests in accordance with the procedure set forth by laws on elections by submitting declarations of private interests to the Central Electoral Committee. The declarations data shall be public and announced in accordance with the procedure set forth by the Central Electoral Committee.
3. Private interests of state politicians shall be registered in the Register of Private Interests of Politicians.

Article 6. Entities of State Politicians' Conduct Control

1. The investigation of a state politician's conduct, which violates the principles and provisions of the conduct of state politicians established by this Code, shall be carried out by a commission set up in the institution in which the state politician holds office in accordance with the procedure set forth by laws regulating its activities and other legal acts (hereinafter – the Commission):
 - 1) in the Seimas of the Republic of Lithuania and in the Government of the Republic of Lithuania – the Seimas Commission for Ethics and Procedures;
 - 2) in the municipal councils – commissions for ethics, set up upon the decision of municipal councils, consisting of members of a council and representatives of local communities.
2. The investigation of the conduct, which violates the principles and provisions of the conduct of state politicians established by this Code, of Chairmen and Deputy Chairmen of parliamentary parties who are not members of the Seimas or municipal councils or are not appointed as Member of the Government shall be carried out by the Chief Commission of Official Ethics.
3. Pursuant to this Code, the procedure for work and decision-making of the commissions specified in paragraph 1 of this Article shall be established by laws and other legal acts regulating the activities of institutions, which set them up.

Article 7. Investigation of the Conduct of State Politicians

1. The investigation of the conduct of a state politician in the Commission can be initiated provided at least one of the following grounds exists:
 - 1) a complaint, application or notification (hereinafter referred to as “the complaint”) filed by a natural or legal person about a violation allegedly committed by a politician (hereinafter referred to as “the violation”) of principles and provisions of the conduct of state politicians established by this Code or requirements for a state politician set in legal acts regulating the activities of an institution in which the politician holds office;

2) sound information published in the media about a violation allegedly committed by a state politician.

2. The investigation of a state politician's conduct shall be initiated within 10 days from arising of the grounds specified in paragraph 1 of this Article. The Commission shall investigate potential violations provided less than a year has passed since their commitment. Anonymous complaints shall not be investigated. The Commission's investigation of the violation shall be completed within 30 days since the beginning of the investigation. The period of a state politician's temporary incapacity or leave and the period when a politician is on a business trip shall not be included in this period. Where necessary, the Commission shall extend the investigation time limit set in this paragraph but not longer than for a period of two months.

3. When carrying out the investigation, the Commission shall have the right:

1) to question a state politician whose conduct is under investigation, as well as other persons related to the state politician's conduct or his political activities;

2) to question the author of the complaint and to find out about the information known to him about a violation, allegedly committed by the state politician, of principles and provisions of the conduct of state politicians established by this Code or requirements for a state politician set in legal acts regulating the activities of the institution in which the politician holds office;

3) to get access to the required documents in accordance with the procedure set forth by laws and receive their transcripts (copies) and other information necessary for the investigation;

4) where necessary, to visit the place of incident;

5) to use the services of specialists.

4. When carrying out the investigation, the members of the Commission shall:

1) act in compliance with the Constitution of the Republic of Lithuania, laws other legal acts of the Republic of Lithuania;

2) maintain the secrecy of the data or information which they have obtained in the course of an investigation, where such data or information comprise a state, commercial, bank, official or any other secret which is protected by law;

3) not use the data or information specified in subparagraph 2 of this paragraph for personal benefit or for the benefit of other persons;

4) not reveal to anyone any information about the circumstances of the on-going investigation, the persons related to the investigation and available material until the Commission completes the investigation.

5. The provisions of paragraph 4 of this Article shall apply in respect of the service staff of the Commission and invited specialists.

6. When carrying out the investigation, members of the Commission, service staff of the Commission and specialists invited by it shall not disturb the work of state institutions, other enterprises, agencies or organisations and shall refrain from preliminary assessments and conclusions until the investigation is completed and the Commission makes its conclusion.

7. Members of the Commission shall be held liable for violation of duties established in this Article in accordance with the procedure set forth by laws.

8. A state politician, whose conduct is under investigation, shall have the right:

- 1) to submit to the Commission explanations, requests and evidences;
- 2) upon completion of the investigation, to get access to the material collected in the course of the investigation;
- 3) to take part in the meetings of the Commission.

9. A state politician who provides explanations to the Commission shall not be forced to give explanations against himself, members of his family or close relatives.

10. Within 3 days since the beginning of the investigation, the Commission shall write a report in a free-form format to inform a state politician about the initiated investigation of his conduct, his rights, submit the available data about the committed violation and request the state politician to submit a written explanation until the date specified in the report. The Commission shall submit this report to the state politician personally or send it by post.

11. Upon completing the investigation, the Commission shall, within 5 working days from completing the investigation, at its meeting assess the data collected in the course of the investigation and take decisions specified in Article 9 of this Code. The state politician shall be informed about the venue and date of the Commission's meeting not later than 5 days prior to the meeting. Failure to appear to the Commission's meeting or to provide explanations shall not preclude the Commission from taking the decision.

12. The decisions taken by the Commission shall be final and not subject to appeal. Repeated complaints about a violation allegedly committed by a state politician shall not be investigated except for the cases when new circumstances, which were not and could not have been known during the investigation already carried out, are specified in the received complaint and therefore the decision taken by the Commission is potentially incorrect. The Commission shall decide on the necessity to carry out a repeated investigation within 10 days from the

receipt of the complaint. Where the Commission decide to initiated a repeated investigation, it shall be carried out in accordance with the procedures established in this Article.

13. After each meeting of the Commission, an announcement to the media may be made. A written or oral announcement shall be presented only by the Chairman of the Commission or a member of the Commission authorised by it and only such which the Commission authorised to present.

14. The Chairman of the Commission, or a member of the Commission authorised by it, shall present the information about the decisions of the Commission to the media. Members of the Commission who have expressed a separate opinion concerning the conclusions of the investigation shall have the right to inform about it.

Article 8. Activities of the Chief Commission of Official Ethics

The Chief Commission of Official Ethics shall:

- 1) upon the request of entities of state politicians' conduct control, state politicians or on its own initiative provide methodological assistance concerning the implementation of the provisions of this Code;
- 2) upon receiving the data about a violation committed by a state politician, transfer this information for investigation to appropriate entities of state politicians' conduct control.
- 3) follow the information published in the media about the conduct of state politicians and, in case there are sound data that a state politician has committed a violation, transfer this information for investigation to appropriate entities of state politicians' conduct control;
- 4) carry out the investigation of the conduct of Chairmen and Deputy Chairmen of parliamentary parties who are not members of the Seimas or municipal councils or are not appointed as Member of the Government in accordance with the procedure set forth in Article 7 of this Code.

Article 9. Decisions of the Commission

1. Upon completing the investigation of the conduct of a state politician, the Commission may take the following decisions:

- 1) state that a state politician did not violate principles or requirements of the conduct of state politicians established by this Code or by laws and other legal acts regulating the activities of the institution in which the politician holds office;
- 2) limit itself to consideration at the Commission;

- 3) state that a state politician violated principles or requirements of the conduct of state politicians established by this Code or by laws and other legal acts regulating the activities of the institution in which the politician holds office;
 - 4) recommend a state politician to conform his conduct or activities to principles or requirements of the conduct of state politicians established by this Code or by laws and other legal acts regulating the activities of the institution in which the politician holds office;
 - 5) recommend to make a public apology;
 - 6) upon suspecting that there are elements of a criminal act, submit the material to pre-trial investigation institutions or the prosecutor's office.
2. The Commission may terminate the investigation provided a state politician admitted that his conduct or activities were unethical and incompatible with his office or the institution in which he holds office and made a public apology prior to the completion of the investigation.
 3. The Commission shall notify the person who submitted the complaint to the Commission about the investigation carried out and the decision taken and the politician in respect of whom the decision was taken.
 4. The decisions taken by the Commission shall be public and published in the supplement Informaciniai pranešimai to the official gazette Valstybės žinios and in the institution's in which the politician holds office Internet site and information publication, if such is published by the institution.

PORTUGAL

Chapter IV

Register of interests

Article 26

Register of interests

- 1 - A register of interests is hereby created at the Assembly of the Republic.
- 2 - The register shall consist of listings, in the form of a specific document, of all the acts and activities that might give rise to incompatibilities or disqualifications.
- 3 - The register shall include lists of the activities that are exercised, regardless of their form of the regime governing them, particularly:
 - a) A list of public and private positions, functions and activities that have been exercised in the last three years;

b) A list of public and private positions, functions and activities that will be exercised in accumulation with the parliamentary mandate.

4 - The list of significant financial interests shall include details of all acts that directly or indirectly generate payments, particularly:

- a) Public and private legal persons to which services have been provided;
- b) Participation on consultative boards and councils, audit boards and other collegial bodies, when provided for by law or during the exercise of the audit or control of public funds;
- c) Companies in which the Member of the Assembly of the Republic holds a capital stake, either in person or via a spouse from whom he is not judicially separated from bed and board;
- d) Financial subsidies or support received by the Member of the Assembly of the Republic, or via a spouse from whom he is not judicially separated from bed and board, or via a company in whose capital they hold a stake;
- e) The holding of conferences, talks, short-duration training actions and other activities of the same nature.

5 - The list of other significant interests must in particular mention the following facts:

- a) Participation in commissions, committees or working groups for which they receive remuneration;
- b) Participation in civic associations that benefit from public resources;
- c) Participation in professional associations or associations that represent interests.

6 - The register of interests must be deposited with the Parliamentary Ethics Committee within the sixty days following the installation in the office of Member of the Assembly of the Republic, and must be updated within at most fifteen days following the occurrence of facts or circumstances that justify new records.

7 - The register of interests is public and must be made available for consultation on the Assembly of the Republic's website and to anyone who asks for it.

Article 27

Possible conflicts of interest

1 - When they present a Member's bill or intervene in any parliamentary work in a committee or in the Plenary, Members of the Assembly of the Republic must declare the existence of any private interest, when one exists, in advance.

2 - The following shall particularly be deemed causes of a possible conflict of interests:

- a) If the Member of the Assembly of the Republic, his spouse or relative or equivalent person to whom he is related directly or to the second degree of a collateral line, or a person with whom he lives in joint economic circumstances, is the holder of rights or stakes in any legal business or dealing whose existence, validity or effects are altered as a direct consequence of the law or resolution of the Assembly of the Republic in question;
- b) If the Member of the Assembly of the Republic, his spouse or relative or equivalent person to whom he is related directly or to the second degree of a collateral line, or a person with whom he lives in joint economic circumstances, is a member of a corporate organ, agent or attorney, employee or permanent member of staff of a company or a or not-for-profit legal person whose legal situation might directly be modified by the law or resolution that is to be passed by the Assembly of the Republic.

3 - The declarations referred to in the previous paragraphs may either be made during the Member of the Assembly of the Republic's first intervention in the parliamentary procedure or activity in question, if the said procedure or activity is recorded or minuted, or be addressed and delivered to the Bureau or the parliamentary committee referred to in Article 27-A prior to the procedure or activity that gives rise to them.

Article 27-A

Parliamentary committee with competence for matters regarding the application of the Statute governing Members of the Assembly of the Republic

The parliamentary committee with the competence to consider questions regarding the application of the Statute governing Members of the Assembly of the Republic, or any other questions pertaining to the exercise of the mandate of Member, is hereby fully endowed with the following powers and responsibilities:

- a) To verify cases of incompatibility, inability and disqualification of Members of the Assembly of the Republic and, in cases of breaches of the law or the Rules of Procedure, to conduct the committal aspect of the corresponding proceedings and issue the respective opinion;
- b) To receive and record declarations that raise possible conflicts of interest;
- c) When asked to do so by the declarers, or at the request of the President of the Assembly, to consider the conflicts of interests so raised, and issue the respective opinion on them;

- d) To consider the possible existence of conflicts of interest that have not been the object of a declaration, and also to issue the respective opinion on them;
- e) To consider whether declarations should be corrected, either on its own initiative, or when doing so is the object of a duly substantiated request made by any citizen in the exercise of his political rights;
- f) To issue an opinion on the verification of the credentials of Members of the Assembly of the Republic;
- g) To pronounce itself on lifting immunities, in accordance with the present Statute;
- h) To issue an opinion on the suspension and loss of a Member of the Assembly of the Republic's seat;
- i) To conduct the committal aspect of proceedings in challenges against eligibility and losses of seat;
- j) To conduct inquiries with regard to facts which have occurred within the ambit of the Assembly of the Republic and which compromise the honour or dignity of any Member, at the latter's request or upon a decision of the Assembly;
- l) To consider any other questions with regard to the mandate and term of office of Members of the Assembly of the Republic.

UK

House of Commons

The Code of Conduct together with The Guide to the Rules relating to the conduct of Members is regularly reviewed by the Committee on Standards. The current edition of the Code was approved by the House of Commons on 12 March 2012, and published on 16 April 2012.

The Code of Conduct together with The Guide to the Rules relating to the conduct of Members is available online.

2 House of Commons, The Code of Conduct together with The Guide to the Rules relating to the conduct of Members, 16 April 2012, HC 1885 2010-12

[The Code of Conduct together with The Guide to the Rules relating to the conduct of Members](#)

The House of Lords has a code of conduct for Members:

Code of Conduct for Members of the House of Lords and Guide to the Code of Conduct (Second Edition, November 2011)

The Code of Conduct provides members of the House of Lords with guidance on the standards of conduct expected of them in performing their parliamentary duties. The Code provides openness and accountability to the public, and is intended to reinforce public confidence in the way in which members of the House of Lords perform their parliamentary duties.

The Code of Conduct makes it clear that members of the House are required to act in the public interest, and in accordance with the seven general principles of conduct identified by the Committee on Standards in Public Life.

The Code also requires that all financial and relevant non-financial interests are disclosed in the Register of Lords' Interests.

In order to assist in openness and accountability the Code of Conduct requires that members shall register all relevant interests, in order to make clear what are the interests that might reasonably be thought to influence their parliamentary actions. Members are also required to declare when speaking in the House any interest which is relevant to the subject under debate.

A separate set of rules governs members' use of House of Lords refreshment facilities and services for private events. In accordance with these rules, a log of members' private events is published quarterly.

House of Lords Commissioner for Standards

The independent House of Lords Commissioner for Standards investigates allegations that members of the House of Lords have breached the Code of Conduct, including of the rules governing members' financial support and the use of parliamentary facilities.

Sub-Committee on Lords' Conduct

The Sub Committee on Lords' Conduct periodically reviews the Code of Conduct. If the Commissioner for Standards finds that a member has breached the Code of Conduct, his report is presented to the Sub-Committee, which recommends the appropriate sanction.

Committee for Privileges and Conduct

The Committee for Privileges and Conduct reviews reports from the Commissioner and Sub-Committee. A member who has been found to have breached the Code of Conduct also has a right of appeal to the Committee for Privileges and Conduct, which then reports its conclusions and recommendations to the House. The final decision rests with the House as a whole.

EUROPEAN PARLIAMENT

Code of Conduct for Members of the European Parliament with respect to financial interests and conflicts of interest

Article 1

Guiding principles

In exercising their duties, Members of the European Parliament:

- (a) are guided by and observe the following general principles of conduct: disinterest, integrity, openness, diligence, honesty, accountability and respect for Parliament's reputation,
- (b) act solely in the public interest and refrain from obtaining or seeking to obtain any direct or indirect financial benefit or other reward.

Article 2

Main duties of Members

In exercising their duties, Members of the European Parliament shall:

- (a) not enter into any agreement to act or vote in the interest of any other legal or natural person that would compromise their voting freedom, as enshrined in Article 6 of the Act of 20 September 1976 concerning the election of the members of the European Parliament by direct universal suffrage and Article 2 of the Statute for Members of the European Parliament,
- (b) not solicit, accept or receive any direct or indirect financial benefit or other reward in exchange for influencing, or voting on, legislation, motions for a resolution, written declarations or questions tabled in Parliament or any of its committees, and shall consciously seek to avoid any situation which might imply bribery or corruption.

Article 3

Conflicts of interest

1. A conflict of interest exists where a Member of the European Parliament has a personal interest that could improperly influence the performance of his or her duties as a Member. A conflict of interest does not exist where a Member benefits only as a member of the general public or of a broad class of persons.
2. Any Member who finds that he or she has a conflict of interest shall immediately take the necessary steps to address it, in accordance with the principles and provisions of this Code of Conduct. If the Member is unable to resolve the conflict of interest, he or she shall report this to the President in writing. In cases of ambiguity, the Member may seek advice in confidence from the Advisory Committee on the Conduct of Members, established under Article 7.

3. Without prejudice to paragraph 2, Members shall disclose, before speaking or voting in plenary or in one of Parliament's bodies, or if proposed as a rapporteur, any actual or potential conflict of interest in relation to the matter under consideration, where such conflict is not evident from the information declared pursuant to Article 4. Such disclosure shall be made in writing or orally to the chair during the parliamentary proceedings in question.

Article 4

Declaration by Members

1. For reasons of transparency, Members of the European Parliament shall be personally responsible for submitting a declaration of financial interests to the President by the end of the first part-session after elections to the European Parliament (or within 30 days of taking up office with the Parliament in the course of a parliamentary term), in accordance with a form to be adopted by the Bureau pursuant to Article 9. They shall notify the President of any changes that have an influence on their declaration within 30 days of each change occurring.

2. The declaration of financial interests shall contain the following information, which shall be provided in a precise manner:

- (a) the Member's occupation(s) during the three-year period before he or she took up office with the Parliament, and his or her membership during that period of any boards or committees of companies, nongovernmental organisations, associations or other bodies established in law,
- (b) any salary which the Member receives for the exercise of a mandate in another parliament,
- (c) any regular remunerated activity which the Member undertakes alongside the exercise of his or her office, whether as an employee or as a self-employed person,
- (d) membership of any boards or committees of any companies, nongovernmental organisations, associations or other bodies established in law, or any other relevant outside activity that the Member undertakes, whether the membership or activity in question is remunerated or unremunerated,
- (e) any occasional remunerated outside activity (including writing, lecturing or the provision of expert advice), if the total remuneration exceeds EUR 5 000 in a calendar year,
- (f) any holding in any company or partnership, where there are potential public policy implications or where that holding gives the Member significant influence over the affairs of the body in question,

(g) any support, whether financial or in terms of staff or material, additional to that provided by Parliament and granted to the Member in connection with his or her political activities by third parties, whose identity shall be disclosed,

(h) any other financial interests which might influence the performance of the Member's duties.

Any regular income Members receive in respect of each item declared in accordance with the first subparagraph shall be placed in one of the following categories:

- EUR 500 to EUR 1 000 a month;
- EUR 1 001 to EUR 5 000 a month;
- EUR 5 001 to EUR 10 000 a month;
- more than EUR 10 000 a month.

Any other income Members receive in respect of each item declared in accordance with the first subparagraph shall be calculated on an annual basis, divided by twelve and placed in one of the categories set out in the second subparagraph.

3. The information provided to the President in line with this Article shall be published on Parliament's website in an easily accessible manner.

4. Members may not be elected as office-holders of Parliament or of one of its bodies, be appointed as a rapporteur or participate in an official delegation, if they have not submitted their declaration of financial interests.

Article 5

Gifts or similar benefits

1. Members of the European Parliament shall refrain from accepting, in the performance of their duties, any gifts or similar benefits, other than those with an approximate value of less than EUR 150 given in accordance with courtesy usage or those given to them in accordance with courtesy usage when they are representing Parliament in an official capacity.

2. Any gifts presented to Members, in accordance with paragraph 1, when they are representing Parliament in an official capacity shall be handed over to the President and dealt with in accordance with implementing measures to be laid down by the Bureau pursuant to Article 9.

3. The provisions of paragraphs 1 and 2 shall not apply to the reimbursement of travel, accommodation and subsistence expenses of Members, or to the direct payment of such expenses by third parties, when Members attend, pursuant to an

invitation and in the performance of their duties, at any events organised by third parties.

The scope of this paragraph, in particular the rules designed to ensure transparency, shall be specified in the implementing measures to be laid down by the Bureau pursuant to Article 9.

Article 6

Activities of former Members

Former Members of the European Parliament who engage in professional lobbying or representational activities directly linked to the European Union decision-making process may not, throughout the period in which they engage in those activities, benefit from the facilities granted to former Members under the rules laid down by the Bureau to that effect.

Article 7

Advisory Committee on the Conduct of Members

1. An Advisory Committee on the Conduct of Members ('the Advisory Committee') is hereby established.
2. The Advisory Committee shall be composed of five members, appointed by the President at the beginning of his or her term of office from amongst the members of the bureaux and the coordinators of the Committee on Constitutional Affairs and the Committee on Legal Affairs, taking due account of the Members' experience and of political balance.

Each member of the Advisory Committee shall serve as chair for six months on a rotating basis.

3. The President shall also, at the beginning of his or her term of office, nominate reserve members for the Advisory Committee, one for each political group not represented in the Advisory Committee.

In the event of an alleged breach of this Code of Conduct by a member of a political group not represented in the Advisory Committee, the relevant reserve member shall serve as a sixth full member of the Advisory Committee for the purposes of investigation of that alleged breach.

4. Upon request by a Member, the Advisory Committee shall give him or her, in confidence and within 30 calendar days, guidance on the interpretation and implementation of the provisions of this Code of Conduct. The Member in question shall be entitled to rely on such guidance.

At the request of the President, the Advisory Committee shall also assess alleged breaches of this Code of Conduct and advise the President on possible action to be taken.

5. The Advisory Committee may, after consulting the President, seek advice from outside experts.

6. The Advisory Committee shall publish an annual report of its work.

Article 8

Procedure in the event of possible breaches of the Code of Conduct

1. Where there is reason to think that a Member of the European Parliament may have breached this Code of Conduct, the President may refer the matter to the Advisory Committee.

2. The Advisory Committee shall examine the circumstances of the alleged breach, and may hear the Member concerned. On the basis of the conclusions of its findings, it shall make a recommendation to the President on a possible decision.

3. If, taking into account that recommendation, the President concludes that the Member concerned has breached the Code of Conduct, he shall, after hearing the Member, adopt a reasoned decision laying down a penalty, which he shall notify to the Member. The penalty may consist of one or more of the measures listed in Rule 153(3) of the Rules of Procedure.

4. The internal appeal procedures defined in Rule 154 of the Rules of Procedure shall be open to the Member concerned.

5. After the expiry of the time-limits laid down in Rule 154 of the Rules of the Procedure, any penalty imposed on a Member shall be announced by the President in plenary and prominently published on Parliament's website for the remainder of the parliamentary term.

Article 9

Implementation

The Bureau shall lay down implementing measures for this Code of Conduct, including a monitoring procedure, and shall update the amounts referred to in Articles 4 and 5, when necessary.

It may bring forward proposals for revision of this Code of Conduct.

ANNEX 2

The following countries do not have a code of conduct. Below, their answers in original.

AUSTRIA

No; we don't have a Code of Conduct for MPs in the Austrian Parliament.

CROATIA

Croatian Parliament does not have a Code of Conduct for the MPs.

CYPRUS

The rules governing the conduct of Members of Parliament are contained in the Constitution of the Republic and the Rules of Procedure of the House of Representatives.

☐ The first such principle relates to obeying the provisions of the Constitution and the laws of the Republic and is contained in Article 69 of the Constitution in the form of the oath taken by a Member of Parliament when coming into office.

Article 69 specifically provides the following:

“A Representative before assuming duties as such in the House of Representatives and at a public meeting thereof shall make the following affirmation:

“I do solemnly affirm faith to, and respect for, the Constitution and the laws made thereunder, the preservation of the independence and the territorial integrity, of the Republic of Cyprus”.

A similar provision exists in the Rules of Procedure. In particular, Rule 35 provides the following:

“35. During the sittings of the House and of the Committees, the Representatives must observe the provisions of these Rules of Procedure and have due respect for the Constitution and the functions of the State.”

☐ Members of Parliament are also expected to declare any personal interest they may have in a subject under debate so that any conflict of interest may be known. This principle is contained in Rule 44 of the Rules of Procedure, the text of which is set out in the answer to question 4.1 hereinbelow. Furthermore, although there is no explicit mention of such an obligation in the Rules, a Member of Parliament is expected to abstain from voting in both the committee and the

plenary stages in the event that he has a personal interest in the bill or subject under debate.

□ Members are also expected to hold a certain standard of behaviour and debate, especially as regards the avoidance of personal attacks against other Members. This prohibition does not only go as to the conduct of Members within the Parliament but also as to the ethical constraints of fair debate on the floor of the House and is enshrined not only in the Rules of Procedure but in the Constitution itself.

Article 73.9 of the Constitution provides that – “Save as otherwise provided in the Standing Orders, interruptions of the speech of a Representative or personal attacks against any Representative unconnected with the subject under debate, both in the House and at the Committee meetings, are prohibited.”

The principle is further extrapolated in Rule 36(c), which provides that –

“36. During the sittings of the House, the Representatives must –

[...] (c) avoid the use of abusive language against the person of any Representative.”

Personal attacks against invited persons appearing before the committee are also not acceptable. There is no specific rule addressed to Members of Parliament within the Rules of Procedure, however, Rule 42(16) gives the Chairman of a committee the responsibility to protect such persons from personal attacks and this Rule has been applied in practice as applying to both other invited persons and Members of Parliament.

In particular, paragraph (16) of Rule 42 provides that – “[d]uring hearings in a Committee, its Chairman has responsibility for and ensures the protection of the invited persons against unbecoming expressions or the launching of accusations or personal attacks.”

□ The conduct of Members of Parliament within the House is regulated by the Rules of Procedure, which contain a number of standards of conduct, including the following:

- Rule 15 provides for the mandatory presence of Members in committee and plenary meetings and Rule 17 provides for a notification requirement in case of a Member’s absence from committee or plenary meetings.

“15. (1) Any Representative who is absent without reasonable cause from three consecutive meetings of the House or from four consecutive meetings of the same Committee of the House of which he is a member, shall forfeit the right to receive his monthly representation allowance.

(2) A Representative who is absent without reasonable cause from two consecutive meetings of the House or from three consecutive meetings of the same Committee of the House of which he is a member, shall forfeit the right to receive half of his monthly representation allowance.

(3) A Representative who is absent without reasonable cause from two consecutive meetings of the same Committee of the House of which he is a member, shall forfeit the right to receive one third of his monthly representation allowance.”

“17. (1) A Representative intending to be absent from any sitting during the month must, if this is possible, inform the President in advance accordingly.

(2) A Representative who was absent from any meeting during the month shall submit in writing to the President of the House the reasons for his absence before the date fixed for the meeting of the Committee.

(3) An absent Representative who does not submit in writing the reasons for his absence, shall be considered to have been absent without reasonable cause, unless he satisfies the Committee to the contrary.”

- One of the consequences of the separation of powers enshrined in the Constitution is that the House of Parliament should not interfere in any way with a case pending before the courts. Rule 28, in particular, prohibits a representative from speaking in a way that prejudices fair trial before the courts.

“28. A Representative during his speech, when referring to any particular matter which is sub judice, must speak in a way that is not prejudicial to a fair trial of the case.”

- The general behaviour of Members within the House is regulated by Rule 36 of the Rules of Procedure which provides that–

“36. During the sittings of the House, the Representatives must –

- (a) present themselves and behave in a manner suited to the place, the task performed and the mission of the House;
- (b) avoid any activities obstructing the smooth conduct of the proceedings of the House; and
- (c) avoid the use of abusive language against the person of any Representative.”

- Further to the prohibition on personal attacks mentioned above and the above general rule, the behaviour of Members during plenary or committee meetings is

regulated in more detail in some areas providing, amongst other things, the following:

- o A Member cannot interrupt another Member except for very specific reasons as provided in Rules 30 and 43(3), which are as follows:

“30. No Representative shall interrupt another Representative unless –

(a) he will raise a procedural matter or intervene for reasons of order; or

(b) he will clarify, with the speaker’s consent, a matter raised by such speaker,

provided that in either case he obtains the permission of the President.”

“43.-(3) A Member who has obtained permission to speak, may not be interrupted, unless the Chairman of the Committee consents to this.”

- o Members must also remain within the boundaries of the matter under consideration by the plenary or the committee as provided for in Rules 27 and 43(1).

“27. A Representative, when called to speak, must direct his speech to the matter under debate or to a motion or amendment he intends to move or support, or to a point of order. When, however, a Representative deviates from the subject, the President shall remind him that he must speak on the subject.”

“43.-(1) The members of a Committee, having first obtained the permission to speak from the Chairman, shall limit themselves to the matter under consideration.”

- o The Rules relating to the conduct of Members also cover the questions submitted by Members to the government or to any specific Minister, requiring that they do not include offensive expressions. The relevant Rule is Rule 74, which is as follows:

“74. Questions submitted by Representatives must be brief and shall not contain any offensive expressions.”

Please find herein below the links to the:

Constitution of the Republic of Cyprus

[http://www.presidency.gov.cy/presidency/presidency.nsf/all/1003AEDD83EED9C7C225756F0023C6AD/\\$file/CY_Constitution.pdf?openelement](http://www.presidency.gov.cy/presidency/presidency.nsf/all/1003AEDD83EED9C7C225756F0023C6AD/$file/CY_Constitution.pdf?openelement)

Rules of Procedure of the Cyprus House of Representatives

<http://www2.parliament.cy/parliamenteng/index.htm>

CZECH REPUBLIC.

There is no Conduct for Members of the Chamber of Deputies in the Czech Republic.

DENMARK

In response to your request I am pleased to inform you that in the Danish Parliament there isn't any code of conduct as such for the members.

There is however a register where the Danish MPs on a voluntary basis can make a declaration of their financial interests etc. Most MPs have made such a declaration.

The Standing Orders of the Folketing also contain some rules about conduct. For instance about conduct during parliamentary sessions. The Standing Orders of the Folketing are available here:

http://www.ft.dk/Dokumenter/Publikationer/Folketinget/Forretningsorden_for_Folketinget.aspx

GERMANY (BUNDESRAT)

There is no Code of Conduct at the German Bundesrat for its members.

GREECE

The Hellenic Parliament does not have a Code of Conduct for the MPs as such, however articles 77-83 of the Standing Orders (the full text is available in English on the web page <http://www.hellenicparliament.gr/en/Vouli-ton-Ellinon/Kanonismos-tis-Voulis/>) provide disciplinary measures against MPs on dishonourable behaviour as this is defined in the Standing Orders.

Article 77 (Observance of the Standing Orders – disciplinary measures)

1. MPs are obliged to abide by the Standing Orders and comply with the Speaker's directions.
2. MPs that believe that a colleague violates the Standing Orders do not address the violating person, but directly the Speaker, following the provisions of article 67§3.
3. The Speaker adopts disciplinary measures against any MP who violates the Standing Orders or behaves in an inappropriate manner at the sittings and debates of the Parliament.
4. A disorderly conduct is defined as follows: a) obstructing the regular progress of sittings or debates by producing noise and disorder in any way; b)

disapproving or interrupting speakers without their consent or the consent of the Speaker; c) speaking without a prior permission by the Speaker; d) disorderly conduct by acts or deeds; e) showing disrespect towards the Presidium, the importance of parliamentary business and towards the Parliament's mission; f) non – compliance to the Speaker's instructions; g) the use of offensive language against the honor and integrity of the President of the Republic, of Members of Parliament and its Presidium and of members of Government; h) contempt towards the Constitution and institutions of the polity by words or deeds.

5. [Disciplinary measures against MPs for disorderly conduct are the following:

a) recall to order; b) deprivation of the right to speak; c) censure for un-parliamentary conduct; e) temporary exclusion from sittings.

6. Without prejudice to article 81§3 disciplinary measures are enforced in the same sitting in which unaccepted or disorderly conduct occurs.

Article 78 (Recall to order)

1. The Speaker warns, before recalling to order the MP who has displayed an unaccepted or disorderly conduct (as such behaviour is specified in paragraph 4 of article 77).

2. A recall to order is not enforced insofar as the MP retracts from his words or expresses her/his regrets or provides satisfactory explanations of her/his behaviour.

3. When after her/his recall to order the MP proceeds into a satisfactory redress, the Speaker instructs the deletion from the Minutes of all details of disorderly conduct, of recall to order and of the relative discussion.

Article 79 (Denial of speech)

1. If the MP that has been recalled to order continues with her/his improper conduct, the Speaker may deny the MP's right to speak until the end of the debate on the specific issue in which such conduct has occurred. In exceptional circumstances the Parliament denies the right to speak until the end of the sitting.

2. Before denying the speech of an MP the Speaker rises from his/her seat and orders the MP to discontinue with the inappropriate behavior. In case of non-compliance the Speaker announces the penalty of denial.

Article 80 (Censure for un-parliamentary conduct)

1. In exceptionally serious occasions the Speaker instead of exercising any disciplinary measures may submit a motion of censure against an MP who maintains an un-parliamentary conduct as specified in paragraph 4 of article 77.

2. Following the Speaker's motion the MP has a maximum of five (5) minutes to provide explanations of his conduct. If the Speaker holds on the motion the Parliament resolves by standing or raising a hand and without a debate.

3. The acceptance of the above motion results ipso jure in the reduction of one forth (1/4) of the monthly remuneration of the MP that has conducted him/herself in a disorderly manner.

Article 81 (Temporary exclusion from sittings)

1. A temporary exclusion from sittings is enforced to the MP that: a) insists on a disorderly conduct regardless of the Parliament's motion against it, b) imposes or attempts to impose by the use of violence or by the threat of violence the action or the omission of action that appertains to the mission of an MP or of the Parliament, c) obstructs with intent and with any other way the conduct of a free and unhindered voting.

2. Immediately following the perpetration of the acts of the above paragraph the Speaker may order the deposition of the MP or request necessary explanations. When these are not given the Speaker orders the deposition.

3. The Parliament following the Speaker's proposal or the proposal of one twentieth (1/20) of the total number of its members, may extend the deposition for a maximum of 15 days. The relevant decision is taken by raising a hand, following a hearing by an MP that supports the proposal, an MP who is against it and the offender MP. Each may speak for a maximum of ten (10) minutes.

4. The exclusion of an MP from the Parliament's sittings results ipso jure: a) to the denial of speech in the sittings of the Plenum, the Recess Section and the Committees and b) to the reduction of a half (1/2) of the monthly remuneration.

5. The MP against whom a disciplinary exclusion has been enforced has the right to participate in roll-call and closed votings. After the votings are held, the MP exits the chamber room.

6. The Speaker of Parliament, by the use of all available means gives the necessary orders for the execution of the decisions specified in paragraphs 2 and 3.

Article 82 (Mutatis mutandis implementation of provisions to the committees)

1. The provisions of articles 77 to 81 as amended or added in the following clauses are mutatis mutandis implemented in the sittings of the Parliament's committees.

2. The provisions of articles 67, 68, 93, 99, 100 and 106 are implemented mutatis mutandis to the sittings of the standing committees when the latter exercise legislative work under article 72 § 2 of the Constitution. In such case the

percentages specified in articles 67, 93, 99 and 106 are determined to 1/10 of the total number of the committee members. The deputy Presidents of Parliamentary Groups who are not members of the committee may be present and take the floor but without voting rights (subject to article 97).

3. The exclusion of an MP from the committee sittings entails the deprivation of his/her right to participate in those sittings.

4. An MP that has been excluded from the sittings of the Parliament's committees has the right to participate in voting procedures. After the voting process the MP exits the sitting room.

Article 83 (Leave for prosecution)

1. A request of the public prosecutor's office for a leave for prosecution of an MP (articles 61 §2 and 62 § 1 of the Constitution) after being assessed by the Supreme Civil and Criminal Court prosecutor, is submitted to the Parliament via the Minister of Justice. The request enters a special book in the order of its submission.

2. The requests immediately after their submission are referred from the Speaker of Parliament to the Committee of Parliamentary Ethics (article 43A§1η').

3. The Committee invites for a hearing the MP for whom a leave for prosecution is requested. In at least three (3) days before the Committee's sitting, the Committee addresses an invitation for a hearing if the MP him/herself wishes to be heard. The Committee examines whether the request to waiver is related to the political or parliamentary activity of the MP, or whether it entails a biased intent. In such cases the committee denies the request.

4. The Committee does not examine the foundations of the accusation and prepares its report within the deadline set by the Speaker's referral document.

The Committee's report must be reasoned.

5. The Committee may request from the Government the supply of all documents necessary for its decision. The Government can deny such request only for reasons of national defense and security. In this case the Government hands the documents to the Speaker who informs the interested members on their content. When the whole process is finalized the documents are returned.

6. Petitions for waiver enter the order of the day of the Plenum following the submission of the committee's report.

In any case petitions enter compulsorily the order of the day at least 10 days before the elapse of the deadlines set by articles 61§2 and 62§1 of the Constitution. If there is not a timely submission of the Committee's report, the

Speaker appoints one special orator from the majority and one from the minority in order to refer to the facts (only) mentioned in the petition.

7. The Parliament resolves either by standing or raising a hand on the request of the prosecutor's office according to the procedure specified in article 108§1 second subparagraph. The floor is taken firstly by the MP connected to the petition and by the Presidents of Parliamentary Groups or their deputies.

The provisions of articles 71 and 72 are accordingly applied.

8. A new petition for waiver based on the same actual facts is not acceptable.

HUNGARY

The Hungarian National Assembly does not have a Code of Conduct for the MPs.

ITALIA

The Senat

There is not a specific document providing a Code of conduct for Senate. With regard to transparency issues, Senate passed amendments to its Rules of procedure giving further provisions about accounts of Parliamentary groups

(See http://www.senato.it/documenti/repository/istituzione/mod_reg_art-15-16-16bis_inglese.pdf - in English.)

Chamber of deputies

No, in the Chamber of Deputies there is no Code of Conduct for MPs in the strict sense.

NETHERLANDS

The Dutch Senate does not have a Code of Conduct for the MPs.

SLOVAKIA

Please, find attached the relevant constitutional law concerning the financial interests adopted on 1 st of October 2004 as amended on 1st of January 2006.

<http://www.nrsr.sk/web/Static/en-US/NRSR/Dokumenty/protection-of-public-interest.doc>

SPAIN

In reply to your query, please find enclosed our answer

The Congress of Deputies does not have a Code of Conduct for the MPs in the strict sense. However, Standing Orders of the Congress of Deputies provides for some rules relative to the conduct of MPs in Articles from 15 to 17.

Standing Orders of the Congress of Deputies

Article 15

Members have the duty to attend plenary sittings of the Congress and meetings of the Committees of which they are members.

Article 16

Members shall conform in their conduct to these Rules and observe parliamentary order, courtesy and discipline, as well as refrain from disclosing any proceedings which, as provided herein, may in exceptional circumstances be of a secret nature.

Article 17

Members may not avail themselves of or declare their status as such for the conduct of any business, industrial or professional activity.

Link to the English version of the Standing Orders of the Congress of Deputies:

https://intranet.congreso.es/portal/page/portal/Congreso/Congreso/Hist_Normas/Norm/standing_orders_02.pdf

ANNEX 3.

The following countries are either working on, or foresee to adopt a code of conduct, in the near future; their answers in original.

BELGIUM

"There exists no Code of conduct for Members of the Belgian House of representatives and the Senate. The Sixth State Reform that currently is in progress, foresees such a code, but there are not yet any public texts."

ESTONIA

In the Riigikogu we don't have a code of conduct (or code of ethics) for the MPs so far.

In 2012 there was composed a working group of MPs to draw up a draft of code of ethics. The corresponding working group has drawn up a first draft of code in November 2012 but this version fell into criticism of MPs and was decided to re-write. Next steps are not concrete and the developments in this field are no remarkable yet.

FINLAND

No, at the moment we don't have a Code of Conduct for the MPs in Finland.

However, due to the recommendations by GRECO in its Evaluation Report, we are examining the possibility to adopt a Code of Conduct for members of the Eduskunta. Last spring the Speaker's Council appointed a working group tasked, inter alia, to consider the necessity of preparing a Code of Conduct for MPs and to draft the possible contents of such a code. The working group was asked to deliver its report by the end of this year. It however looks like the working group will need a little bit more time with the report. A decision on how much more time will be needed will be taken next month when the working group will deliver a temporary report.

FRANCE (THE SENAT)

S'il n'existe pas à ce jour de code de bonne conduite à l'usage des sénateurs, une réflexion est actuellement engagée à ce sujet.

Le Bureau du Sénat a décidé, par un arrêté en date du 25 novembre 2009, la création d'un Comité de déontologie parlementaire.

Ce Comité consultatif, qui comprend un représentant de chaque groupe politique, est compétent pour les questions déontologiques relatives au mandat parlementaire et au fonctionnement du Sénat. Il est reconstitué après chaque renouvellement triennal du Sénat.

A la demande du Président du Sénat ou du Bureau, il rend des avis sur des situations particulières ou sur des problématiques plus générales relatives à l'éthique parlementaire. Saisi par le Bureau du Sénat, le Comité a défini, à titre consultatif, des principes généraux de déontologie parlementaire en mai 2010.

http://www.senat.fr/role/comite_deontologie.html

<http://www.senat.fr/presse/cp20101013.html#lien>

Par ailleurs, le Bureau du Sénat a adopté en décembre 2011 une instruction XX bis Prévention des conflits d'intérêts obligeant les sénateurs à remettre une déclaration « mentionnant les intérêts privés qui pourraient indûment influencer sur la façon dont ils s'acquittent des missions liées à leur mandat ».

En outre, les membres du Sénat ont la faculté de saisir la délégation du Bureau d'une demande d'avis confidentiel sur les activités qu'ils envisageraient d'entreprendre ou les intérêts qu'ils souhaiteraient acquérir durant leur mandat.

http://www.senat.fr/role/fiche/bur_cr_reunion220212.html#c566289

<http://www.senat.fr/reglement/reglement75.html#toc293>

Enfin, de récentes lois relatives à la transparence de la vie publique du 11 octobre 2013 obligent les assemblées parlementaires à se saisir à nouveau de cette question et à adopter des dispositions en matière déontologique.

L'article 3 de la loi ordinaire n° 2013-907 relative à la transparence de la vie publique insère dans l'ordonnance n° 58-1100 du 17 novembre 1958 relative au fonctionnement des assemblées parlementaires, un article 4 quater ainsi rédigé : «Le bureau de chaque assemblée, après consultation de l'organe chargé de la déontologie parlementaire, détermine des règles en matière de prévention et de traitement des conflits d'intérêts. Il veille à leur respect et en contrôle la mise en œuvre. ». Le Comité de déontologie du Sénat vient d'être saisi de cette question.

L'article 1er VI de la loi organique n° 2013-906 du 11 octobre 2013 relative à la transparence de la vie publique prévoit que: « Tout député et tout sénateur établit, au plus tard le 1er février 2014, une déclaration de situation patrimoniale et une déclaration d'intérêts et d'activités suivant les modalités prévues aux articles LO 135-1 et LO 135-2 du code électoral. ».

<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000028056223&dateTexte=&categorieLien=id&fastReqId=346655030&fastPos=2&oldAction=rechTexte>

<http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000028056315&fastPos=1&fastReqId=346655030&categorieLien=id&oldAction=rechTexte>

LUXEMBOURG

In Luxembourg, we do not yet have a Code of Conduct for the MPs.

However, a draft has already been discussed in the Committee on Institutions and Constitutional Revision (Commission des Institutions et de la Révision constitutionnelle) and a Code of Conduct for MPs should probably be adopted by the plenary in the following months.

ROMANIA

In Romania, there is no specific Code of Conduct designed for MPs. Specific legislation does exist in Romanian legislation, but it does not cover all issues.

During the last several years, there have been many initiatives to design and adopt a proper code of conduct, however all previous attempts have been unsuccessful.

In September 2012 Transparency International Romania (TI-Ro) with the help of two other NGOs specialized in the field, Pro Democratia and Centre for Legal Resources put forward a proposal for a Code of Conduct in the agenda of the Chamber of Deputies of the Romanian Parliament and, after preliminary meetings, seems that all political groups have welcomed the proposal.

The proposed Code of Conduct establishes a definition for the conflict of interests, and imposes penalties when provisions from the Code are breached. Breaches will be considered disciplinary offences and sanctions would be applied consequently. Technically, the Code will be adopted as an Annex to the Regulation of the Chamber of Deputies, which is a qualified law, in order to give it the same legal power.

SLOVENIA

Several codes of ethics for deputies have been drafted by the National Assembly, but have not yet been adopted.

However, each parliamentary term (since 1993) has exhibited interest in formulating special ethical rules.

The last proposal to draft such code was presented on 4 September 2013 at a meeting of the Commission for Public Office and Elections. With 8 votes "for" and 3 votes "against", the deputies passed the following decision:

“The Commission for Public Office and Elections proposes that a code of conduct for Assembly members be drafted as soon as possible, in accordance with GRECO recommendations.”