

STATEMENTS OF WEALTH OF THE PRESIDENT, THE MINISTERS AND THE MEMBERS OF PARLIAMENT Cyprus Law 112(I) of 2024

Preamble

WHEREAS, transparency in public life is a necessary component of every modern democratic state, as well as a barrier to any attempt to exploit public office, position or capacity, which contributes to the prevention and fight against corruption in public life,

AND WHEREAS, the restriction of the right to privacy of any person who holds a public position or manages public money or plays a role in public political and economic life is justified for overriding reasons of public interest, since it promotes transparency in political and public life and serves an overriding public interest,

AND WHEREAS, the limitation of the above right does not exceed the limits of proportionality with regard to public figures, who voluntarily undertake the exercise of public office, thereby consenting to being exposed to a wider control of their private life,

AND WHEREAS, the increased exposure to the public of persons holding public office, as well as their exercise of public authority, clearly requires the expansion of the limits of legitimate information to citizens,

AND WHEREAS, such a limitation is consistent with the case law of the European Court of Human Rights (ECHR), according to which it is possible to interfere with aspects of the private life of public figures, in order to achieve the purpose of informing the citizen, transparency and accountability,

For all of the above reasons, the House of Representatives votes as follows:

Short title

1. This Law shall be cited as the President, Ministers and Members of Parliament of the Republic of Cyprus (Submission and Audit of Personal and Professional Asset Statements) Law of 2024.

Interpretation

2. In this Law, unless the context otherwise requires-

"Special Committee File" means the file kept in accordance with the provisions of article 6

"Member of Parliament" means a member of the House of Representatives and includes a Member of the European Parliament, except in the cases provided for in articles 13 and 16

"Personal data" means data held and characterized as such, which are protected under the provisions of the Law on the Protection of Natural Persons with regard to the Processing of Personal Data and on the Free Movement of Such Data

"dependent family member" means any minor child of the obligated person, as well as any other person whose financial support, custody and living expenses are assumed by the obligated person

"Special Committee" means the Special Parliamentary Committee established under the provisions of article 5

"Tax Commissioner" means the Tax Commissioner, who is appointed under the provisions of the Tax Department Law and includes any officer authorized by him to act for the purposes of this Law

"net assets" means the sum of the assets and liabilities of the property of the liable person, his/her spouse or common-law partner and his/her dependent family members

"Regulation" means the European Union act entitled "Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)"

"Statement of assets and liabilities of the property" or "SLA" means the statement of assets and liabilities of the personal and professional property of the liable person, both within and outside the Republic, the form of submission of which is included in Part A of the Annex, which is presented at cost prices and includes the assets of his/her spouse or common-law partner under the provisions of the Civil Partnership Law, as well as of his/her dependent family members

"Statement of income and expenditure" means the annual detailed statement of income and expenditure provided for in Part B of the Annex

"reconciliation status" means the status provided for in Part C of the Annex, which explains the net increase or decrease in the net assets of the liable person, which has occurred in the period between the two CEPs

"President" means the President of the Republic

"Minister" means a member of the Council of Ministers and includes a Deputy Minister

"obliged person" means the President of the Republic, the Ministers and Deputy Ministers, the Members of Parliament and the Members of the European Parliament.

Obligation to submit a KEP, income and expense statement and reconciliation statement

3.-(1)(a) Each obligated person is obliged, within four (4) months from the date of assuming his office, to submit to the Special Committee the KEP provided for by the provisions of this Law, as it is in force, on the date of assuming the relevant office.

(b) Each obligated person is obliged, within four (4) months from the date of expiry of his term of office, resignation or loss of office, to submit to the Special Committee an updated KEP on that date, as well as a statement of income and expenses for the period between the previous and the above-submitted KEP, as well as a reconciliation statement for the same period:

It is understood that, in the event that any obligated person, after the interruption or termination of his term of office in any way, is re-elected to the same or another elected office or is appointed to a non-elected office or is re-appointed to the same or another non-elected office or is elected to an elected office, has submitted the statements provided for in paragraph (b), he is not obliged to re-submit a KEP, in accordance with the provisions of paragraph (a):

It is further understood that the obligation to resubmit a KEP exists if five (5) years have passed since the submission of the statements provided for in paragraph (b) and that, in the case where an obligated person did not submit the required KEP, each subsequent statement must cover the entire period between the previous KEP and the one being submitted, in accordance with the provisions of this article.

(2)(a) The statements provided for in paragraphs (a) and (b) shall be submitted to the electronic address of the Special Committee.

(b) Officers of the House of Representatives authorized by the Special Committee shall register in the Archive the statements provided for in paragraph (a), transmitting to the obligated person a relevant confirmation of receipt thereof.

(3) The elements included in the KEP, in the income and expenditure statement and in the reconciliation statement, are provided in the Annex.

(4) The statements provided for by the provisions of this article, which are registered in the Archive, are deleted and/or destroyed after the lapse of five (5) years from the date of the loss of the position of the obligated person, unless an investigation has been initiated for a specific obligated person which has not been concluded, in which case the said statements are deleted and/or destroyed immediately after the conclusion of the relevant investigation.

(5) In the event that any obligated person, due to personal circumstances of an exceptional or unforeseen nature, is prevented from submitting the statements provided for by the provisions of this article within the prescribed period, in accordance with the provisions of subsection (1), he may submit a request to the Special Committee for an extension of the said period, which may not exceed two (2) months.

Disclosure of the KEP and net assets

4.-(1) Part of the information provided for in Part A of the Annex to the CEP, including net assets, is disclosed in the following cases:

(a) After the person liable has assumed office. and

(b) after the expiry of the term of office of the obligated person or the resignation or loss of his office.

(2) Subject to the provisions of the Regulation and the provisions of the Law on the Protection of Natural Persons with regard to the Processing of Personal Data and on the Free Movement of Such Data, the data of the KEP, which concern the spouse or the partner or the dependent members of the family of the obliged person, are exempt from the disclosure provided for in the provisions of subsection (1):

It is understood that the address of residence or residences, bank account numbers, vehicle registration numbers and electric vehicles, identity card number and telephone numbers of the liable person are excluded from the publication of the KEP.

(3) Subject to the provisions of subsections (2) and (3), the KEP and the net assets are made public within thirty (30) days from the date of their submission to the Special Committee by posting them on the official website of the Special Committee:

It is understood that the posting on the official website of the Special Committee of the KEP and net assets lasts throughout the term of office of the obligated person, while after the end thereof or the resignation or loss of the relevant office, the posting lasts for a period of twelve (12) months from the date of posting of the KEP and net assets on the said website:

It is further understood that, in the event that the obligated person assumes a new office before five (5) years have passed since the expiration or completion of his term of office or the resignation or loss of his office, the above KEP and his net assets are posted again on the relevant website.

(4) The names and surnames of the obligated persons who did not submit the statements provided for in the provisions of article 3 are made public by posting them on the website of the Special Committee.

(5) The disclosure of the KEP and net assets does not affect the obligations of the Special Committee, which arise from the provisions of subsection (3) of article 5 and subsection (3) of article 14.

Special Parliamentary Committee

5.-(1) For the purposes of this Law, a Special Parliamentary Committee is established, consisting of members of the House of Representatives, appointed by the Selection Committee, (hereinafter referred to as "the Special Committee").

(2) The Special Committee established under subsection (1) shall be composed of the President of the House of Representatives as chairman and two (2) regular and two (2) alternate members.

(3) Subject to the provisions of subsection (2), the chairman and the members of the Special Committee, when exercising their powers, are bound by the obligation of absolute confidentiality, pursuant to the provisions of this Law.

Special Committee Archive

6. The Special Committee shall keep a file for the purposes of registering the KEPs, the income and expenditure statements and reconciliation statements and all related data, as well as any data arising in the context of conducting audits pursuant to the provisions of this Law (hereinafter referred to as "the File").

Responsibilities of the Special Committee

7.-(1) The Special Committee is responsible for-

(a) the control of compliance with the obligation provided for by the provisions of this Law to submit by each liable person to the KEP, the income and expenditure statement and the reconciliation statement

(b) the maintenance of data regarding the names and surnames of the obligated persons who submit a KEP, a statement of income and expenses and a reconciliation statement, as well as of the obligated persons who fail to submit these

(c) the keeping of records regarding the controls carried out pursuant to the provisions of this Law:

It is understood that the data recorded in the Archive are deleted and/or destroyed after the lapse of five (5) years from the date of the loss of the position of the obligated person, unless an investigation has been initiated for a specific obligated person, which has not been concluded, in which case the data are deleted and/or destroyed immediately after the conclusion of the investigation

(d) the provision of support and guidance to an obligated person regarding his obligations arising from the provisions of this Law

(e) the disclosure of the KEP and net assets by posting them by authorized officers of the House of Representatives on the relevant website, in accordance with the provisions of article 4

(f) taking a decision, in accordance with the terms and conditions provided for by the provisions of article 9 for the conduct of a special investigation, regarding the content of the KEP data, the income and expenditure statement and the reconciliation statement of the obligated person.

(2) The Special Committee authorizes officers of the House of Representatives to proceed-

(a) the creation of an electronic address and official website of the Special Committee, in accordance with the provisions of this Law

(b) in compliance with the provisions of the Regulation and the Law on the Protection of Natural Persons with regard to the Processing of Personal Data and on the Free Movement of Such Data, in the registration in the Archive of all those provided for in paragraph (b) of subsection (2) of article 3, in paragraphs (b) and (c) of subsection (1) and in paragraph (c)

(c) the preparation of an analytical statement, which includes the names of the obligated persons who submitted a KEP, a statement of income and expenses and a reconciliation statement, as well as the names of the obligated persons who failed to submit these statements.

Support for the work of the Special Committee

8.-(1) The Special Committee, in exercising its powers under the provisions of this Law, assigns the Tax Commissioner to conduct an audit, in accordance with the provisions of subsection (3) and the provisions of articles 9 and 10.

(2) The exercise of the powers of the Tax Commissioner in accordance with the provisions of subsection (1) does not prevent the exercise of his powers under the provisions of the Tax Department Law, provided that these powers are exercised in the context of a specific investigation carried out as a result of the conduct of the audit under the provisions of this Law, which is documented in a relevant report kept by the Tax Commissioner.

(3) The Special Committee, within thirty (30) days from the submission of the statements provided for in the provisions of this Law, shall transmit them in electronic form to the Tax Commissioner for the purpose of conducting an audit, in accordance with the provisions of subsection (1).

(4) The Commissioner of Taxation, acting under the provisions of subsection (1), has the following powers:

(a) access to the Archive for the purposes of checking the content of the statements submitted, in accordance with the provisions of article 3

(b) checking the said statements to ascertain the correctness and truthfulness of the information included therein

(c) requiring clarifications from the obligated person and, in the context of the audit being carried out, if it deems this necessary, providing the obligated person with the opportunity to be heard and to submit his positions, before making any observations and drawing conclusions before the Special Committee

(d) access, within the framework of the audit being carried out, to state archives and services of any ministry, office or department of the public service in order to secure the necessary documents and information

(e) requiring the obligated person to provide any other necessary information and/or documents.

(5) The Tax Commissioner, within three (3) months from the date of completion of the audit carried out, based on the provisions of subsection (3), submits any observations and conclusions before the Special Committee.

Conditions for initiating a special investigation

9. A special investigation shall only be initiated if one or more of the following conditions are met:

(a) A written sworn complaint must have been submitted to the Special Committee, setting out specific facts and/or data regarding the content of the submitted KEP and the net assets of the liable person

(b) from the audit of the submitted statements carried out by the Tax Commissioner, in accordance with the provisions of article 8, the resulting findings justify the initiation of a special investigation with regard to a specific liable person, who may have submitted untrue or falsified or misleading information

(c) from the findings of the audit carried out by the Tax Commissioner, in accordance with the provisions of article 8, it has been established that the differentiation of the assets of the liable person is not sufficiently justified or is not justified at all:

It is understood that, in the event of a decision to initiate a special investigation concerning a Member of the European Parliament, the President of the European Parliament shall be informed without delay and in advance.

Conducting a special investigation and procedure

10.-(1) In the event that the Special Committee decides that it is necessary to initiate a special investigation with regard to a specific liable person, it assigns it to the Tax Commissioner, following a decision on this matter:

It is understood that, in a case where the special investigation concerns the Chairman of the Special Committee, the decision is taken by the regular members and one alternate member and the Special Committee is chaired by the member who belongs to the largest political party represented in the House of Representatives, provided that this member does not come from the same party as the Chairman of the Special Committee:

It is further understood that, in the event that the special investigation concerns one of the two regular members of the Special Committee, the decision is taken by its Chairman, the other regular member not concerned by the investigation and one of its alternate members:

It is further understood that, in a case where the special investigation concerns both regular members of the Special Committee, the decision is taken by its Chairman and its two alternate members:

It is further understood that, in any other case, the Selection Committee may decide on the composition of the Special Committee for making the above decision.

(2) The decision of the Special Committee to initiate a special investigation shall be notified without delay to the affected liable person together with a brief justification and, in the case of paragraph (a) of subsection (1) of article 9, together with a copy of the written sworn complaint:

It is understood that an obligated person for whom a special investigation is being conducted, in accordance with the provisions of this article, has the right, throughout the duration of said investigation, to receive copies of any document, evidence or relevant depositions.

(3) The Tax Commissioner shall proceed to an audit of the statements submitted pursuant to article 3 of the liable person under investigation within thirty (30) days from the date of notification of the decision taken in this regard:

It is understood that, in the event of a special investigation being conducted with respect to more than one liable person, in relation to statements submitted within the same period of time, for the purposes of each investigated case, the Tax Commissioner, in accordance with the provisions of subsection (1), acts on the basis of the decision taken for each affected liable person.

(4) For the purposes of the special investigation being conducted, the Tax Commissioner may authorize officers of the Taxation Department to assist him in his work, who-

(a) they exercise their duties in accordance with the provisions of the Regulation and the Law on the Protection of Natural Persons with regard to the Processing of Personal Data and on the Free Movement of Such Data

(b) subject to the provisions of article 12, they shall take any necessary or appropriate action and for this purpose may request and receive any necessary data or information from any authority and natural or legal person who has or is presumed to have in his possession such data or information and

(c) provide, if deemed necessary, the opportunity for the obligated person to be heard and to submit his/her positions.

Drafting of findings and report

11.-(1) The Tax Commissioner, upon completion of the special investigation, in accordance with the provisions of article 10, shall draw up a report, which he shall submit before the Special Committee.

(2) The Special Committee, before proceeding to draw up a report regarding the special investigation carried out, shall first grant the affected liable person the right, if he so wishes, to be heard or to submit his positions in writing.

(3)(a) The report of the Special Committee shall record the facts, the findings of the submitted report of the Tax Commissioner and the position of the affected liable person, provided that he was heard or submitted his positions in writing.

(b) The above report shall be communicated without delay to

(i) to the President of the Republic, if it concerns a Minister or Deputy Minister

(ii) to the President of the House of Representatives, if it concerns a Member of Parliament or a Member of the European Parliament:

It is understood that, in the case of a Member of the European Parliament, the relevant report is simultaneously notified to the President of the European Parliament.

(iii) to the members of the meeting of the leaders or representatives of the political parties, insofar as it concerns the President of the House of Representatives and

(iv) to the President of the House of Representatives, insofar as it concerns the President of the Republic:

It is understood that the report is simultaneously communicated to the affected obligated person.

(4) In the event that, from the report of the Special Committee, it is established that an obligated person has included in a KEP, in a statement of income and expenses or in a reconciliation statement any asset whose source is not justified or any differentiation of assets is established without sufficient explanations, such person is subject to the provisions of the Prevention and Combating of Money Laundering Law and the findings from the audit carried out are transmitted to the Attorney General of the Republic by the Special Committee.

(5) Anyone who in any way obstructs the work of the Special Committee and/or the Tax Commissioner under the provisions of this Law is guilty of an offence and, in the event of conviction,

is liable to a fine not exceeding five thousand euros (€5,000) or to a term of imprisonment not exceeding one (1) year or to both.

Obligation to maintain absolute confidentiality

12.-(1) Any person, in the exercise of his duties under the provisions of this Law, who is found to possess or who has come to his knowledge personal data, information and data of a confidential nature, is bound by the obligation to maintain absolute confidentiality and may use them only for the purposes of exercising his duties.

(2) Any person who violates the obligation provided for in the provisions of subsection (1) shall be guilty of a criminal offence and, if convicted, shall be liable to a fine not exceeding fifty thousand euros (€50,000) or to a term of imprisonment not exceeding three (3) years or to both such penalties.

Consequences of failure to submit a KEP, income and expense statement and reconciliation statement or submission of false information

13.-(1) In the event that the obligated person is a Member of Parliament who fails to submit a KEP, a statement of income and expenditure or a reconciliation statement in accordance with the provisions of article 3 within the prescribed period, the consequences of such failure are regulated by the Rules of Procedure of the House of Representatives.

(2) In the event that the obligated person who fails to submit the above statements within the deadline provided for by the provisions of article 3 is a Minister or Deputy Minister, the consequences shall be decided by the President of the Republic.

(3) In the event that, in the context of a special investigation carried out under the provisions of this Law, it is established that an obligated person submitted false information in the situations provided for in article 3, he is guilty of an offense and, in the event of conviction, is subject to a fine not exceeding five thousand euros (€5,000) or to a prison sentence not exceeding one (1) year or/and to both of these penalties:

It is understood that a property statement in which a bona fide non-material omission is observed is not considered false.

(4) In the case of a deceased liable person, who was found to have submitted false information in the above statements and/or failed to declare movable and/or immovable property, the assets not included are considered as the property of a suspect, in accordance with the provisions of articles 32 and 33 of the Prevention and Combating of Money Laundering Law.

(5) The obligated person, as the case may be, shall not be subject to consequences under the provisions of this article, in a case in which, due to being separated from his/her spouse or common-law partner, he/she was in a real inability either to obtain the information provided for in the part of the situations provided for in article 3 concerning his/her spouse or common-law partner or to submit complete and true information.

Complaint against an obligated person

14.-(1) A person who files a written sworn complaint with the Special Committee against an obligated person under the provisions of paragraph (a) of subsection (1) of article 9 must clearly state the details and elements that substantiate his allegations.

(2) A person who makes a complaint against an obligated person and intentionally provides false or misleading information or personal data or conceals or provides such information, data or data, knowing that it is false or inaccurate or has reasonable cause to believe that it is inaccurate, is guilty of a criminal offence and, in the event of conviction, is liable to a fine not exceeding fifty thousand euros (€50,000) or to a term of imprisonment not exceeding three (3) years or to both.

(3) A complaint submitted pursuant to the provisions of article 9 shall be considered confidential and its publication by any person shall constitute a criminal offense, which, in the event of conviction of the person in question, shall be punishable by a fine not exceeding ten thousand euros (€10,000) or by a term of imprisonment not exceeding one (1) year or by both.

Lifting of banking, stock market and tax secrecy

15. Subject to the provisions of the Credit Institutions Business Law, within the framework of a special investigation conducted pursuant to the provisions of article 9 and article 10, the Tax Commissioner may proceed to lift the banking and/or stock exchange and/or tax confidentiality of an obligated person, informing in writing the obligated person to whom the investigation relates.

Issues requiring regulation

16. Matters requiring regulation regarding Members of Parliament are determined for the purposes of this Law by the Rules of Procedure of the House of Representatives.

Repeal of Law

17.-(1) Subject to the provisions of subsections (2) and (3), from the date of entry into force of this Law, the President, Ministers and Members of Parliament of the Republic of Cyprus (Declaration and Control of Assets) Laws of 2004 to 2017 are repealed.

(2) In the event that any control and investigation procedure is pending regarding an obligated person, which began before the repeal of the said laws, it shall continue and be completed based on the provisions of the said repealed laws.

(3) Obligated persons who have already submitted a declaration of assets under the provisions of the repealed laws, either upon assuming their office or during the last twenty-four (24) months prior to the date of entry into force of this Law, are not required to submit the statement provided for in paragraph (a) of subsection (1) of article 3 of the CPA, but are required to submit, within four (4) months of the end of their term of office, their resignation or the loss of their office, the statements provided for in paragraph (b) of subsection (1) of article 3:

It is understood that, in the event of an investigation regarding the content of the declaration submitted pursuant to the provisions of the repealed laws, it shall commence and be completed based on the provisions of the said laws.

Entry into force of this Law

18. This Law shall enter into force upon the expiry of three (3) months from the date of its publication in the Official Gazette of the Republic.