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FOURTH EVALUATION ROUND

Corruption prevention in respect of members of parliament, judges and prosecutors

SECOND COMPLIANCE REPORT

CYPRUS

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I. INTRODUCTION

1. The Second Compliance Report assesses the measures taken by the authorities of Cyprus to implement the recommendations issued in the Fourth Round Evaluation Report on Cyprus (see paragraph 2), dealing with "Corruption prevention in respect of members of parliament, judges and prosecutors".

2. The Fourth Round Evaluation Report on Cyprus was adopted at GRECO's 72rd Plenary Meeting (1 July 2016) and made public on 27 July 2016, following authorisation by Cyprus (Greco Eval4 Rep(2016)7 E). The Fourth Round Compliance Report was adopted by GRECO at its 80th Plenary Meeting (22 June 2018) and made public on 6 September 2018, following authorisation by Cyprus (Greco RC4(2018)9 E).

3. As required by GRECO's Rules of Procedure, the authorities of Cyprus submitted a Situation Report with additional information regarding measures taken to implement the fourteen pending recommendations which, according to the Compliance Report, had been partly implemented or not implemented. This report was received on 20 December 2019 and additional information was received on 7 May 2020; they served as a basis for the Second Compliance Report.

4. GRECO selected Greece and Serbia to appoint Rapporteurs for the compliance procedure. The Rapporteurs appointed for the current report were Mr Dimosthenis STINGAS, on behalf of Greece, and Ms Katarina NIKOLIĆ, on behalf of Serbia. They were assisted by GRECO's Secretariat in drawing up this Second Compliance Report.

II. ANALYSIS

5. GRECO addressed sixteen recommendations to Cyprus in its Evaluation Report. In the Compliance Report, GRECO concluded that recommendations xv and xvi had been implemented satisfactorily, recommendations i, vi, vii, viii, ix, x, xii and xiv had been partly implemented and recommendations ii, iii, iv, v, xi and xiii had not been implemented. Compliance with the pending recommendations is dealt with below.

Corruption prevention in respect of members of parliament

Recommendation i.

6. *GRECO recommended that all forms of remuneration and benefits received (from public and private sources) by members of parliament be subject to clear rules, adequate auditing and public transparency.*

7. In the Compliance Report GRECO considered this recommendation partly implemented. It called on the authorities to finalise the ongoing reform aiming at clarifying the income and various allowances received by MPs and at ensuring adequate, effective auditing or control. As for transparency, GRECO welcomed the fact that all payments made to MPs from state funds were from then on published on an official website and that asset declarations covering income received from outside private activities were also to be published.

8. The authorities of Cyprus now state that, in relation to this recommendation, continuing deliberations are taking place on the introduction of a new system of remuneration for MPs, which is to incorporate all receivables into the annual emoluments.

9. GRECO takes note of the additional information provided by the Cypriot authorities. It notes that the reform aiming at clarifying the income of various allowances received by MPs and at ensuring adequate, effective auditing or control is still ongoing.

Considering that almost two years have elapsed since the Compliance Report, GRECO calls for new impetus in order to complete this reform, which is essential to achieve greater transparency and control over remunerations and benefits received by MPs.

10. GRECO concludes that recommendation i remains partly implemented.

Recommendation ii.

11. *GRECO recommended that a code of ethics/conduct for members of parliament - including their staff as appropriate – be adopted, covering various situations of conflicts of interest (e.g. gifts and other advantages, third party contacts, lobbyists, accessory activities, post-employment situations).*

12. GRECO found in the Compliance Report this recommendation not implemented. It took note of the plans of the House of Representatives to adopt a Code of Conduct for MPs by the end of 2018. However, it was too early to consider this recommendation even partly implemented as there were no tangible results.

13. The authorities of Cyprus now indicate that the draft Code of Conduct has been prepared and discussions are ongoing in Parliament; it has reached the final stages of examination at committee level. It deals, *inter alia*, with incompatibility declarations to be made upon taking office or where necessary, ad hoc declarations of interests, gifts, third party contacts and lobbyists.

14. GRECO takes note of the information provided by the authorities. It notes that a draft Code of Conduct has been prepared for discussion by MPs, which has reached an advanced stage at committee level but has yet to be discussed in plenary; this is therefore still an early stage in the process. The draft Code of Conduct covers a number of issues of relevance to integrity (incompatibility, declarations of interests, gifts and third party contacts/lobbyists). While this could be a positive development and the first draft Code of Conduct would cover some relevant matters, it is too soon to pronounce on the detail of its content, as discussions in Parliament are ongoing. Therefore, it is not in a position to consider this recommendation as even partly implemented at this stage.

15. GRECO concludes that recommendation ii remains not implemented.

Recommendation iii.

16. *GRECO recommended that the preventive measures against conflicts of interest in respect of members of parliament be enhanced in respect of potential conflicts as well as in respect of conflicting interests that may emerge during parliamentary proceedings and that clear rules for the disclosure of such situations be articulated in written form.*

17. In the Compliance Report, GRECO found this recommendation not implemented. It noted that some steps had been taken to reflect on how to enhance preventive measures regarding potential conflicts of interest amongst MPs, by examining the relevant provisions of Law 7(I)/2008 and starting work on amending the Rules of the House of Representatives. However, the final text of the draft amendments was not available, and the areas covered by the amendments were not known.

18. The authorities of Cyprus provide the same information as mentioned under recommendation ii regarding the draft Code of Conduct, which deals with ad hoc declarations of interests at the beginning of deliberations in circumstances where an MP's personal interests would lead to a conflict. They add that the Rules of Procedure of the House of Representatives have been amended so that declarations of

incompatibility made orally at the beginning of deliberations before a parliamentary committee be included in the report to be submitted to the plenary. Similarly, rules are applied about the disclosure of a personal interest during a plenary sitting. There is an obligation based on the rule of parliamentary precedent which dictates that incompatibilities must be declared by MPs in plenary.

19. GRECO takes note of the information provided by the authorities. Regarding the contents of the future Code of Conduct, in particular regarding ad hoc declarations of interests where a possible conflict of interest emerges, GRECO considers it too soon to pronounce on the proposed draft that is still being discussed by MPs. However, GRECO is satisfied that the amendments to the Rules of Procedure constitute clear rules as to the disclosure of interests. Therefore, GRECO considers that the requirements of the recommendation can be deemed to be partly met.

20. GRECO concludes that recommendation iii has been partly implemented.

Recommendation iv.

21. *GRECO recommended i) that consistent rules be elaborated concerning the acceptance by members of parliament of gifts, hospitality and other benefits including special support provided for parliamentary work, and ii) that internal procedures for the valuation and reporting of gifts, and return of those that are unacceptable, be developed.*

22. In the Compliance Report, GRECO considered this recommendation not implemented. While taking note of the intention of the House of Representatives of adopting a Code of Ethics for MPs in 2018, no finalised draft text was available.

23. The authorities of Cyprus now indicate that the draft Code of Conduct is still being discussed by MPs; it has reached the final stages of examination at committee level. According to this draft, MPs may not accept: any gift and/or other offering that may be quantified in money from any source other than those legally provided for and permitted under the Code; any funding from any source or any other non-monetary donation, which may be quantified in money, for any reason; during the execution of their duties, any gift and/or other offering from any source, excluding objects of purely complimentary nature and/or low value, the monetary value of which cannot exceed €200 and only if they are offered as part of official visits, meetings or parliamentary missions as per standard protocol. The draft Code of Conduct stipulates that MPs should declare to the Speaker of the House receipt of any gift or other offering that may be quantified in money, by filling in the form provided for in the Code. The Speaker is to determine whether to allow acceptance of the gift and this decision is published. Finally, according to the draft code, any gifts received would have to be entered into a register along with all the relevant details, and would be considered to be assets of the House of Representatives, which are show-cased within the House.

24. GRECO takes note of the information provided. The draft Code of Conduct provides clarification on acceptance of gifts by MPs and their registration. However, it does not specify anything about the valuation of gifts. Furthermore, as mentioned above this draft is still under discussion amongst MPs at committee level. It is thus premature for GRECO to pronounce on its content. Therefore, the recommendation cannot for the time being be considered to be even partly implemented.

25. GRECO concludes that recommendation iv remains not implemented.

Recommendation v.

26. *GRECO recommended i) that a detailed assessment be carried out in respect of various forms of potential third party impact (including lobbying); and ii) that rules be introduced for members of parliament on interaction with third parties that may seek to influence the parliamentary process.*

27. In the Compliance Report, GRECO considered this recommendation not implemented. It noted that the House of Representatives had entrusted the University of Nicosia with the carrying out of an assessment of the lobbyists' access to parliament. It also noted that the Ministry of Justice had prepared a bill on regulating lobbying which is pending before the relevant committee, but that its contents were not available.

28. With regard to the first part of the recommendation, the authorities of Cyprus now state that a comprehensive study on the existence of lobbying in Cyprus and the extent of lobbyists' access to the House was submitted by the University of Nicosia to the House on 4 December 2019. According to the findings of the study there are no professional lobbyists in Cyprus but some lawyers act on behalf of lobbying groups.

29. As for the second part of the recommendation, the authorities refer to the above-mentioned draft Code of Conduct, which has reached the final stages of its examination at committee level and which includes provisions on the relations of MPs with organised groups, pressure groups and non-governmental organisations. According to this draft, an MP may not accept a fee or other incentive in exchange of advice on how lobbyists can further their interest in the parliamentary process. An MP may not participate in any parliamentary procedure for a fee or other compensation with the aim of promoting the interests of any organised group, pressure group or NGO. When an MP is in contact with such stakeholders s/he must act in the public's interest. An MP must not undertake either for payment or for other compensation: an obligation to act in any parliamentary procedure to serve the interests of a specific organised group, pressure group or NGO; to suggest or recommend the way in which such groups should act to further their interests nor does s/he promise and/or allow to be inferred that s/he will act in a specific way to this end or will try to convince and/or influence other MPs to this end. An MP keeps a personal register in which s/he files all the meetings s/he personally undertakes with organised groups or NGO, with reference to the title/name of each organisation and the issues discussed in the meeting, which register is submitted to the Speaker of the House at the end of each parliamentary session to be archived in the House.

30. GRECO takes note of the information provided by the authorities. In relation to part i) of the recommendation, GRECO is satisfied that an assessment has been carried out by the University of Nicosia on potential third-party impact on parliamentary work, which responds to the requirement of this part of the recommendation. As regards part ii) of the recommendation, GRECO notes that detailed rules would be included in the draft Code of Conduct, but that this draft is still under discussion at Committee level in Parliament. Therefore, this part of the recommendation cannot be considered as fulfilled yet.

31. GRECO concludes that recommendation v has been partly implemented.

Recommendation vi.

32. *GRECO recommended that the existing regime of asset declarations be further developed i) by ensuring that all forms of assets, income and liabilities above a certain threshold be declared at their appropriate value; ii) that the declarations be made publicly available promptly after their submission to the appropriate*

supervisory body; and iii) by considering widening the scope of the declarations to also include information on spouses and dependent family members (it being understood that such information would not necessarily need to be made public).

33. In the Compliance Report, GRECO considered this recommendation partly implemented. Regarding part i) of the recommendation, GRECO referred to the Evaluation Report which noted that assets, as detailed in the law, do not appear to include any form of movable property and it was not clear from the law whether the value of property other than immovable property and vehicles is to be included. It noted that the text of the law had not been modified regarding these matters. As to part ii), GRECO welcomed the fact that MPs' asset declarations were from then onwards to be made public, in line with this recommendation. Regarding part iii), GRECO welcomed the inclusion of spouses of MPs to their asset declarations, in addition to their underage children. However, the recommendation asked to consider expanding declarations to dependent family members, a broader notion than underage children or spouse, and it was not established that this had been the case.

34. The authorities of Cyprus do not provide information addressing specifically those issues raised in this recommendation that remained pending.

35. GRECO notes in relation to part i) that the issue of the inclusion of movable property and the value of property other than immovable property and vehicles in MPs' asset declarations does not appear to have been resolved. Therefore, this part remains not implemented. Part ii) had already been considered to be implemented as MPs' asset declarations are now made public. As regards part iii), the recommendation required to consider expanding declarations to dependent family members, a broader notion than underage children or spouse which are covered by MPs' asset declarations. This still does not appear to have been tackled.

36. GRECO concludes that recommendation vi remains partly implemented.

Recommendation vii.

37. *GRECO recommended that the current mechanism for monitoring declarations of assets submitted by members of parliament be subject to an in-depth evaluation with a view to establishing an independent and effective mechanism for such monitoring.*

38. In the Compliance Report, GRECO considered this recommendation partly implemented. It noted the possibility for the Special House Committee on Declaration and Examination of Financial Interests of referring the accounting and financial audit of the declarations to an accredited auditor. It considered there was some uncertainty about the effectiveness of the mechanism taken as a whole and, for instance, how often these external audits would be carried out, what follow-up is to be given by the Special House Committee to these audits (especially with asset declarations being triennial) and therefore how it could lead to sanctions (at the time of the evaluation report, no breaches had ever been established and no sanctions against MPs in this respect). GRECO could not consider that this recommendation was fully implemented as there was no mention of an in-depth evaluation that would have aimed at setting up a mechanism that would be both independent and effective.

39. The authorities of Cyprus now state that during the scrutiny of the bill relating to the amendment to the Law on the Declaration of Assets and Audits of Property of the President, Ministers and Members of Parliament (Law 68(I)/2017), the Parliamentary Committee on Legal Affairs scrutinised, *inter alia*, the bill's provisions relating to the scrutiny of the declarations submitted under the law. The Parliamentary Committee on Legal Affairs amended the text of the then bill as follows: "By providing the persons under scrutiny, in the event that the content of the report of the statutory

auditors indicates that there is reason for further investigation, with the ability to submit information, evidence and explanations before the issue of the […] Special Committee's report is issued […]." The issue has also been discussed by the Special House Committee on Declaration and Examination of Financial Interests and following these deliberations, the Speaker requested the opinion of the Attorney General of the Republic on the relevant provisions of the law. A Member's Bill was deposited to the House by its Speaker, which provides, *inter alia*, for the vetting of all the declarations by independent auditors. This bill, along with other Member's Bills of a similar nature, are to be scrutinised in committee during the next session.

40. GRECO takes note of the information provided by the authorities. It considers that an evaluation of the current mechanism for monitoring MPs' asset declarations appears to be ongoing and, GRECO reiterates that this assessment should be carried out with a view to establishing an independent and effective mechanism for such monitoring, as underlined in the Compliance Report. GRECO still cannot consider this recommendation as more than partly implemented.

41. GRECO concludes that recommendation vii remains partly implemented.

Recommendation viii.

42. *GRECO recommended that the parliamentary authorities develop an integrity policy to prevent conflicts of interest and risks of similar deficiencies in respect of members of parliament through i) awareness raising on an institutional level, ii) in the form of handbooks and regular training and iii) on an individual basis, in the form of a dedicated service providing confidential counselling.*

43. In the Compliance Report, GRECO considered this recommendation partly implemented. It noted the plans to organise an event on laws having a bearing on the integrity of MPs, the review of the Rules of Procedure of the House of Representatives and the future Code of Conduct. This initiative was regarded to be a positive step that would need to be followed up by other regular awareness-raising events focusing on MPs. Moreover, the recommendation also calls for handbooks to be prepared and regular training to take place, on which no information has been provided. MPs are to have access to confidential counselling with the Legal Service of the House of Representatives, which would respond adequately to the third part of the recommendation. However, the said Legal Service was only to be operational in 2019 and, as a consequence, this part of the recommendation could not be considered as fully implemented at the time.

44. The authorities of Cyprus now state that Parliament is developing an Integrity Policy for the prevention of conflict of interests, which is to materialise with the future Code of Conduct and the provision of relevant information to MPs. Additionally, upon the coming into force of the Code of Conduct, a seminar/round table is planned where MPs and interested citizens are to be updated in relation to the pertinent laws, the revised Rules of Procedure and the future Code of Conduct. Although the Legal Service has now been set up, there is still not a confidential advice service in place yet.

45. GRECO takes note of the information provided by the authorities. In respect of this recommendation as well, much depends on the adoption of a Code of Conduct for MPs, which is still being discussed. In the meantime, there does not appear to be an organised set of training sessions on integrity nor a handbook on integrity standards for MPs, as required by part ii) of the recommendation.

46. GRECO concludes that recommendation viii remains partly implemented.

Corruption prevention in respect of judges

Recommendation ix.

47. *GRECO recommended that the composition of the Supreme Council of Judicature be subject to a reflection process considering its representation within the judiciary as a means of preventing potential or perceived situations of conflicts of interest within the Council.*

48. This recommendation was considered by GRECO in the Compliance Report to be partly implemented. While it regretted that no changes had been made to the Supreme Council's composition to reflect the different levels of the judiciary, GRECO welcomed the fact that further consideration was being given to enlarging this body to include also first instance judges for exercising certain functions, such as appointments of judges. It noted that the aim of the recommendation was that the composition of the Supreme Council of Judicature be the subject of a reflection process, and this process had not been completed. As part of it, GRECO urged the authorities to further consider the possibility of bringing in judges from various levels in the work of the Supreme Council of Judicature.

49. The authorities now indicate that a bill amending the Constitution which provides for the division of the current Supreme Court into the Supreme Constitutional Court and the High Court of Justice so as to enable the exercise of disciplinary powers on the Justices of each Supreme Court, by the Justices of the other Supreme Court and vice versa has been introduced and is currently pending before Parliament, after its approval by the Council of Ministers.

50. At the same time, a second bill was prepared, proposing the enlargement of the Supreme Council of Judicature (hereinafter "SCJ''). The proposed enlarged SCJ shall consist of the President and Justices of the High Court, the President of the Appeal Court, the most senior President of the District Courts, the President of the Association of Judges, the Attorney-General, the President of the Cyprus Bar Association and one practicing advocate with not less than 25 years' experience in the profession who is not a member of the Cyprus Bar Association's Board. Likewise, this second bill has been introduced in Parliament and is currently pending before it, after its approval by the Council of Ministers. However, the judiciary expresses the preference for an enlarged SCJ composed solely of members of the judiciary.

51. GRECO takes note of the information provided by the authorities. It welcomes that a bill approved by the Council of Ministers proposes to enlarge the composition of the Supreme Council of Judicature to include representatives of the different levels of courts (as well as representatives outside the court field but in the legal profession) is currently before Parliament. It can therefore consider that, as per the recommendation, a reflection process has indeed taken place. GRECO strongly supports the on-going reforms.

52. GRECO concludes that recommendation ix has been implemented satisfactorily.

Recommendation x.

53. *GRECO recommended that the integrity requirement for appointment as a judge be guided by precise and objective criteria which are to be checked before appointment/promotion, and that such criteria be made available to the public.*

54. In the Compliance Report, this recommendation was partly complied with. GRECO referred to the Evaluation Report, which noted that one of the appointment criteria was "high moral standing" and, although further defined in case law, it was

considered that more guidance should take the form of concrete criteria, background and integrity checks to be made, in order to make it an efficient tool to prevent the recruitment of unsuitable candidates. It underlined that formulating objective, specific requirements, notably pertaining to integrity, and hence clarifying what is assessed, in a publicly available document would contribute to the transparency of appointment and promotion procedures, as appear to be done in several countries with a similar judicial tradition. GRECO therefore noted with interest that consideration was being given to laying down such requirements. Finally, GRECO noted that the Supreme Council of Judicature was to make changes to ensure that records of appointment and promotions procedures be kept and made available to interested parties. Overall, given these ongoing developments towards more transparency around the procedure of appointment and promotion of judges, GRECO considered that the requirements of the recommendation had been partly met.

55. The authorities now state that the Supreme Council of Judicature has issued the prescribed Procedure and Criteria on Judicial Appointments and an equivalent procedure on Judicial Promotions, entitled "Procedure and Criteria on Judicial Promotions", which were provided to GRECO. Both procedures are available online to the public. Moreover, they have been disclosed and disseminated immediately to the entire judicial body as well as to legal practitioners/practising advocates. All appointment and promotion procedures, currently underway, are governed by their respective prescribed rules as they have been laid down. The requirement oh "high moral standing" derives from case law and is used extensively in the Cyprus Constitution for various independent functionaries and is also found in various laws as a prerequisite for appointment. Moreover currently, the laying down of the aforementioned concrete criteria and the prerequisite to obtain recommendations from the judiciary before applying for such posts indicate that the successful applicants must be lawyers the high moral standard of whom is already well known to the judiciary.

56. GRECO takes note of the information provided by the authorities. It welcomes the fact that formalised procedures have now been laid down for judicial appointments and promotions and that they have been made public, contributing to greater transparency. GRECO accepts that a list of criteria to be checked before appointments of judges has been established. Whilst it would have been preferable to specify the definition of "high moral standing" as established in case law in this list of criteria, it can accept that the fact that candidates have to be experienced advocates and should therefore be familiar with the relevant case law on this notion, can offset this omission. Therefore, GRECO takes the position that the measures taken can be considered as meeting the requirements of the recommendation.

57. GRECO concludes that recommendation x has been dealt with in a satisfactory manner.

Recommendation xi.

58. *GRECO recommended that a code of ethics/conduct be elaborated on the basis of broad involvement of various members of the judiciary, in order to manifest and develop standards that are commonly agreed aimed at the particular functions of judges, offering guidance in respect of areas such as conflicts of interest and other integrity related matters (e.g. gifts, side activities, recusal, third party contacts, handling of confidential information).*

59. In the Compliance Report, GRECO found this recommendation not implemented. GRECO noted that binding integrity standards exist in law and case law, as was acknowledged in the Evaluation Report, and the fact that the Supreme Court had started reflecting on a code of conduct. The drafting of this code was to involve judges

from different court levels and would be part of a broader reform of the judiciary that is to be carried out. GRECO noted that the preparation of such a code of conduct had not started.

60. The authorities now state that, as of 30 January 2019, the Judicial Code of Ethics has been adopted, implementing in full the "Bangalore Principles". The provisions of these Principles were translated verbatim and the Commentary on the Bangalore Principles of Judicial Conduct was incorporated in full. In this process, the Cyprus authorities state that they have considered all the challenges brought to light pertaining to conflicts of interest.

61. The Judicial Code of Ethics has been amended three times since publication. A first amendment in May 2019 made the Code legally enforceable and serious infringements may lead to disciplinary offences. In addition, it was expressly stipulated that it is binding on all judges without exception. Moreover, a chapter was inserted ("Guidance on Specific Issues"), which incorporates the Guide to Judicial Conduct of England. In this chapter, specific provisions can be found on personal relationships of judges, gifts, hospitality, political activity, etc. The Commentary of the Bangalore principles was adopted for the interpretation and better guidance of the Code. The second amendment in September 2019 deleted the sentence "this Guide is not a Code, nor does it contain rules other than where expressly stated". Following GRECO's recommendation for a legally enforceable Code, the Supreme Court has amended the Exercise of Disciplinary Power of the Supreme Council of Judicature Procedural Rules of 2000, which governs the procedure of disciplinary proceedings for lower court judges, to that effect. In response to social media concerns and considerations and on suggestion of lower court judges, the Judicial Code of Ethics was revised in September and November 2019 in respect of the topics of social media, networking and public debate, incorporating the Guidelines for the Use of Social Media by the Judiciary of the United Nations Office on Drugs and Crime (UNODC). According to the authorities, this demonstrates a continuous effort from the judiciary to improve and update the Code, involving suggestions from judges of all levels.

62. In addition to the above, the Judicial Practice Direction of 17 March 1988, has been amended and made public on 11 February 2019.[1] A judge has no discretion as to recusing himself/herself if a family member or a colleague or the employer or an employee or a partner of the family member, appears before him/her. The amendment gave a broad meaning to the term "judge's family" so as to exclude any conflict of interest and to avoid the fairness of the proceedings from being questioned. The Judicial Code of Ethics has now incorporated this Judicial Practice Direction and made it binding on all judges.

63. GRECO notes that the judiciary is now equipped with a Judicial Code of Ethics. It also notes that it is a direct translation of the Bangalore principles and their commentary. These standards are in themselves satisfactory, even though the very fact of preparing a Judicial Code of Ethics serves notably to clarify ethical issues that are more acute in the country. Considering the specific challenges connected to conflicts of interest, real or perceived, which have prompted an extraordinary visit of a GRECO delegation to Cyprus in February 2019, an in-depth examination involving judges from all court levels prior to adoption could have been expected. That being said, GRECO notes that a different strategy has been followed with successive amendments being made shortly after the adoption of the Judicial Code of Ethics reproducing the Bangalore principles, in order to adapt it to the national situation, with the involvement of judges from lower court levels. It welcomes the fact that one

[1] Original version dated 17 March 1988 and previously revised on 21 July 1989, 18 August 2003, 30 November 2006, 4 October 2011, 8 March 2018, and 28 January 2019.

of these amendments has made the Code legally enforceable, in line with GRECO's standards, with the possibility of disciplinary proceedings in case of breach, and that the Code has been made publicly available.

64. Moreover, importantly, the inclusion into the Judicial Code of Ethics of the revised Judicial Practice Direction of 11 February 2019, which states that a judge must recuse him/herself if a family member or a colleague or the employer or an employee or a partner of the family member appears before him/her, is a significant development.

65. Therefore, GRECO recognises that decisive steps have been taken and that this recommendation can be considered implemented as the Judicial Code of Ethics is now in place and legally enforceable. GRECO underlines the need to continue the dynamic process of finetuning the Judicial Code of Ethics to the specificities of the national situation, especially where it comes to integrity matters and to involve judges of all court levels whenever amendments to the Code are contemplated.

66. GRECO concludes that recommendation xi has been implemented satisfactorily.

Recommendation xii.

67. *GRECO recommended that dedicated training of judges in respect of judicial ethics, conflicts of interest and corruption prevention be introduced as a well-defined part of the induction training of newly recruited judges and provided at regular intervals in the form of dedicated in-service training of judges, based on existing provisions and practice as well as yet to be established ethical guidelines and European standards.*

68. In the Compliance Report, GRECO found this recommendation partly implemented. GRECO noted the setting up of the Judicial Training Office by the Supreme Court to deal with training for judges, including on ethics and integrity matters. However, its full activity had been hampered by the fact it was not fully staffed, although this was to be addressed in 2018. GRECO noted that a compulsory course for all judges was planned in 2018, which was to deal with ethics and integrity. While judges had had the opportunity to attend international training courses, a more systematic approach through compulsory initial and in-service training by the JTO, as appeared to be envisaged, would be a significant step forward, which however was yet to fully materialise.

69. The authorities now state that on-going judicial training is provided by the Judicial Training School, operational since 2018. The School is responsible for the development and delivery of training to judges in all courts across Cyprus. A training seminar on Judicial Conduct and Ethics took place in October 2018, with the participation of the entire judicial body. A training programme on the Judicial Code of Conduct and social media has been scheduled to take place within the first semester of 2020. The Judicial Training School intends to hold a Judicial Conduct and Ethics training seminar for new Judges since 2018 and all Judges to be appointed in 2020. The aim is for the training to be held towards the end of 2020. Preliminary meetings have already been held with the trainers in the beginning of the year. The training will be based on the UNODC Judicial Ethics Training Tools. The training components will be as follows: 1) "The new Cyprus Guide on Judicial Conduct" which was published in 2019 by the Supreme Court and based on the Bangalore Principles; 2) "The non-binding Guidelines on the issue of Social Media for Judges"; 3) "Gender-related Integrity Issues". A new Permanent Committee for the follow-up of the Judicial Code of Ethics has been established, comprising five judges from the Supreme Court, the District Courts and the Administrative Court, which will be in charge of ongoing training.

70. GRECO takes note of the information provided by the authorities. It welcomes the fact that the Judicial Training School is fully operational and that a first training programme on judicial conduct and ethics was organised in October 2018 which was attended by the whole judiciary, including newly recruited judges. Furthermore, the initial training dedicated to newly recruited judges on integrity matters is to take place by the end of 2020 and is already planned in detail; it is therefore only a matter of it being delivered. In these conditions, GRECO trusts that such is to be the case as concrete steps have been taken and this recommendation can be considered to be fully implemented.

71. GRECO concludes that recommendation xii has been dealt with in a satisfactory manner.

Corruption prevention in respect of prosecutors

Recommendation xiii.

72. *GRECO recommended that reform considerations concerning the Law Office of the Republic include means to strengthen the independence of the prosecutorial functions and the capacity of the individual law officers and prosecutors to conduct their duties in a more autonomous way, guided by the safeguards necessary under the rule of law.*

73. GRECO considered, in the Compliance Report, this recommendation not implemented. The fact that the Law Office had prepared a bill on its independence and autonomy represented a positive step, but it had only been transmitted to the executive and the final draft on how independence and autonomy of the Law Office was to be guaranteed was not available.

74. The authorities now state that the aforementioned bill did not go beyond the executive and that instead a new bill prepared by the Law Office was to be sent to the executive to overcome certain objections. A new bill has been submitted to the executive where it is currently under consultation. At the same time, the authorities refer to other measures intended to respond to the recommendation. Firstly, measures have been taken to accomplish the general reform of the Law Office in terms of a separate budget, its own recruitment and promotion mechanisms. Through the budget of the Law Office for 2020, approved by Parliament in December 2019, the salary of almost all ranks of law officers, including prosecutors dealing with the prosecution of corruption offences, has been aligned on the equivalent salary scales of judicial officers. According to the authorities, prosecutors are now to enjoy more independence and autonomy appropriate to the carrying-out of their functions, even though full autonomy should be ensured with the new bill pending before the executive.

75. GRECO takes note of the information provided by the authorities. GRECO notes that the bill previously mentioned has not been approved by the executive and that the Law Office has prepared another bill on its independence and autonomy and submitted it to the executive where it is under consideration. It considers that the only tangible measure taken, which concern the alignment of the remuneration scales between judicial officers and law officers, is not enough in itself to consider this recommendation to be even partly implemented.

76. GRECO concludes that recommendation xiii remains not implemented.

Recommendation xiv.

77. *GRECO recommended i) that criteria for the distribution of criminal cases among prosecuting staff be introduced; and ii) that decisions and instructions, such as to re-allocate cases within the Law Office or to discontinue criminal cases be justified in writing.*

78. GRECO considered, in the Compliance Report, this recommendation partly implemented. With regard to the first part of the recommendation, it noted that the system of allocation of criminal cases did have a component of randomness, as new cases are to be allocated as they come to the next prosecutor in line in the district concerned. However, if a case is deemed of some complexity, it can be allocated to a prosecutor of a higher rank, irrespective of the district where the said prosecutor is assigned. GRECO was satisfied that the distribution of cases followed a clear procedure but maintained that it would be beneficial to lay down criteria as to what cases need to depart from the normal allocation system. It noted that the authorities are considering laying down such criteria. As to the second part of the recommendation, GRECO welcomed the fact that reasons behind decisions to discontinue criminal cases are put down in writing and stated orally before the competent court. As to the re-allocation of cases, GRECO noted that the authorities are to consider fixing criteria in this area.

79. The authorities now state that, in relation to the first part of the recommendation, the Attorney General and/or the Head of the Criminal Law Section have changed the policy for the allocation of very serious, complex corruption cases so as to ensure that such cases are assigned to the next on the list of Senior Prosecutors who is to be assisted for such a purpose by a team of junior prosecutors.

80. Insofar as the re-allocation of cases is concerned, the authorities state that this happens only in exceptional cases and always before the commencement of the hearing of the case before the Court. The Attorney-General of the Republic and the Head of the Criminal Law Division concluded that owing to the small number of prosecutors serving in the Law Office as well as the very exceptional use of such re-allocations, setting out criteria would favour instead of prevent corruption, as re-allocation of cases occurs when a prosecutor who has been allocated a case cannot carry on dealing with it, due to the very heavy workload of other cases s/he has been assigned and which have reached the stage of hearing to the relevant Courts.

81. GRECO takes note of the information provided by the authorities. As to the remainder of the first part of the recommendation, GRECO notes that the policy for allocating serious and complex cases has been revised; such cases are now to be allocated to the next person on the list of senior prosecutors who is to be assisted by a team of junior prosecutors. GRECO is satisfied that this procedure has been adequately formalised.

82. Regarding the remaining aspect of the second part of the recommendation, GRECO understands that the re-allocation of cases takes place when a prosecutor cannot maintain the case to the end because of other ongoing cases which have reached the stage of hearing before the courts. From this, GRECO understands that re-allocation appears to be rare and that the initiative is said to come from the prosecutor him/herself. GRECO can accept that in the particular situation of Cyprus, more specific criteria have not been set out for such situations, although it would be preferable to formalise the current practice to some extent and keep track of any re-allocation.

83. GRECO concludes that recommendation xiv has been dealt with in a satisfactory manner.

III. CONCLUSIONS

84. **In view of the foregoing, GRECO concludes that Cyprus has implemented satisfactorily seven of the sixteen recommendations contained in the Fourth Round Evaluation Report.** Of the remaining recommendations, six have been partly implemented and three have not been implemented.

85. More specifically, recommendations ix, x, xi, xii, xiv, xv and xvi have been implemented satisfactorily, recommendations i, iii, and v to viii have been partly implemented and recommendations ii, iv and xiii have not been implemented.

86. As regards MPs, the movement towards the simplification/clarification of revenues and allowances received by MPs for discharging their office has been engaged, but still has not been completed even though it had already been mentioned at the time of the Evaluation Report. A draft Code of Conduct for MPs has been prepared but is still being examined by MPs. Several recommendations depend on the adoption of a future code of conduct, such as conflicts of interest, contacts with lobbyists, declaration of gifts as well as dedicated training. Furthermore, MPs' asset declarations still need to be more comprehensive and control over declarations requires strengthening. Progress on these issues appears all the more pressing as serious allegations of undue influence of third parties over some MPs have recently been made.

87. Regarding judges, a bill approved by the Council of Ministers proposes to enlarge the composition of the Supreme Council of Judicature to include representatives of the different levels of courts. A formalised procedure has now been laid down for judicial appointments and promotions. A judicial code of ethics has been adopted. While it is a translation of the "Bangalore principles" and their commentary several amendments have subsequently supplemented it. It has in particular, been made enforceable against all judges with the possibility of disciplinary proceedings in case of breach. Moreover, a recent amendment to the revised Judicial Practice Direction of 2019 has been introduced requiring judges to recuse themselves if a family member or a colleague or the employer or an employee or a partner of the family member appears before them. This will contribute to putting more emphasis in the Judicial Code of Ethics on the prevention of conflicts of interest, in particular considering the recent cases of conflict of interest that have been brought to light. The Judicial Training School is up and running, and integrity training sessions have already taken place and initial training has been planned and is about to take place.

88. As to prosecutors, a new bill providing for and safeguarding the independence and autonomy of the Law Office of the Republic has been submitted to the executive. On another matter, the policy for allocating serious and complex cases has been revised and adequately formalised.

89. GRECO notes that seven have been fully implemented but six recommendations remain partly implemented and three have not been implemented. Therefore, in accordance with Rule 31 revised, paragraph 9 of its Rules of Procedure, it invites the Head of delegation of Cyprus to submit additional information regarding the implementation of the pending recommendations i to viii and xiii by 31 October 2021 at the latest.

90. Finally, GRECO invites the authorities of Cyrus to authorise, as soon as possible, the publication of the report, to translate it into the national language and to make this translation public.