

I. NATIONAL LAWS

1. Inception of Bill

1.1. The right to introduce Bills rests with the Ministers . Each Ministry in its respective area of authority has the obligation to consider drafting Bills to remedy a problem or introduce government policy. While Deputy Ministers cannot introduce Bills directly, they are responsible for all preparatory work with respect to a Bill falling under their respective area. Any Bills prepared by Deputy Ministries as a Drafting Authority, are then submitted to the respective Ministry to which they have been assigned for all further formal stages of the procedure .

1.2. Apart from Ministries and Deputy Ministries, other Drafting Authorities in their respective area of expertise may commence the preparatory work and drafting of a Bill. As further explained in paragraphs 6 and 8 below, Drafting Authorities need to submit their Bill to a relevant Ministry (or Deputy Ministry and then a Ministry) in order for the Bill to follow the official procedure.

1.3. The first step in the development stage of a Bill, is the clear identification of the problem(s) intended to be remedied with, or the government policy intended to be effected through, the introduction of the Bill. There is no official procedure on the basis of which an officer is selected to be responsible for the drafting of a Bill. The decision is commonly taken in accordance with the area of expertise of each department and/or officer within a department and its relevance with the subject of the Bill. There are no dedicated law drafting units in the Drafting Authorities, nor is the drafting of a Bill always assigned to an officer with legal background. The officers responsible for the drafting of the Bill must be able to fully comprehend the necessity of and rationale behind the governmental intervention, the policy goals and intended results. They must also decide the appropriate Impact Assessment level under the proportionality principle and identify the suitable methodologies for assessing the impact the intervention will have . The Impact Assessment underpins the whole of the legislative process and must be taken into consideration from the early stages of a Bill's planning . Officers responsible for the drafting of a Bill are provided with relevant guides and circulars with respect to the law drafting procedure and in some of the Drafting Authorities trainings may be provided to assist the officers in the law drafting process.

1. Evaluation of options

1.1. The officers need to consider whether the problem can be solved, or the policy implemented, without the need to introduce a Bill. Alternatives include information and education campaigns, financial incentives, self-regulation, co-regulation, memorandums of understanding, etc .

1.2. At this stage the current legislative and regulatory (both local and international) framework must be identified and similar legislative interventions by other countries could serve as examples .

1.3. The choice of the correct type of legislative instrument is made at this stage .

1.4. An unofficial public consultation with relevant stakeholders can also provide guidance in deciding whether to proceed with the drafting of a Bill .

2. Drafting of Bill

2.1. Each Drafting Authority is responsible for the drafting of the text of a Bill in their respective areas of authority. The Law Office is not responsible for the drafting of Bills ab initio .

2.2. There might be circumstances under which the Law Office following a request by the Drafting Authority would, by exception, agree to undertake the drafting of the text of a Bill or approve the outsourcing of such service to the private sector . The involvement of the Law Office in the drafting of the text of the Bill can be direct, i.e. an officer of the Law Office is assigned with the task to draft the legal text of the Bill taking directions about the relevant policy from the respective Drafting Authority. It can also be indirect, i.e. the responsibility for the drafting of the text remains with the Drafting Authority, but an officer from the Law Office is assigned to provide guidance before the Bill reaches the legal vetting stage. The outsourcing of legislation drafting services must be agreed with the Attorney General, and a Proposal to the Council of Ministers with respect to such outsourcing must be supported with suitable justification, accompanied with the position of the treasury of the Republic, and the relevant contract must be reviewed by the Law Office .

2.3. With respect to Bills relating to the modernisation of legislation, the Law Commissioner could be mandated under a decision of the Council of Ministers or by the Attorney General or a Minister, to commence their drafting. A Drafting Authority may also request the assistance of the Law Commissioner for the drafting of Bills. Where the level of assistance required from the Drafting Authority is significant, the said Drafting Authority must request the assistance of the Law Commissioner with a Proposal to the Council of Ministers, retaining the responsibility for undertaking all other relevant steps and procedures. There are instances where the assistance of the Law Commissioner is requested on an unofficial level by the Drafting Authority whether through telephone, letter or email and the Law Commissioner might provide some support, subject to the relevant Minister being aware of the involvement.

2.4. The authors of a Bill draft the text of the Bill using Microsoft Word. The format and structure of a Bill must conform with the format and structure determined and in force traditionally . There is no approved Word template provided by the Law Office which the officers use in drafting a Bill. Officers usually use the Microsoft Word format of draft bills previously approved by the Law Office, as the basis of the new Bill.

2.5. Details about the structure and format of a Bill and suggestions as to the wording, expression, and language to be used are described in detail in Parts 3.2, 3.3A(a), 3.4, 3.4.1 and 3.4.2 of the Guidelines for the Drafting of National and Harmonising Legislation. Further sources of guidance include Part II, sections 1 and 2 of the Procedure Guidance.

2.6. If the Bill is amending an existing law, there are two options as to the form the Bill will take depending on the degree of intended amendments. The first option is for the amending Bill to amend and supplement existing legislation; the Bill may make express references to sections and/or articles and/or paragraphs and/or subsections of the law in force it seeks to amend which are amended by adding further text, deleting text, amending some of the words of the text. Amending Bills can delete whole existing sections, articles, paragraphs, subsections or introduce same.

2.7. If the amendments to the existing law are so significant or numerous, a second option is for the Bill to replace the previous law in its entirety and repeal it.

2.8. In some instances, the text of a Bill may provide that amendments to its annexes or schedules which usually provide more technical information and/or which are anticipated to be

amended on a frequent basis, can be undertaken by a Minister with an Order to minimise the time necessary for the implementation of such amendment.

2.9. There is no official procedure regulating the internal approval path and/or process a Bill must go through in each of the Drafting Authorities to signify that a draft of the Bill is finalised and can proceed to the next stage. In some instances, the review procedure of the draft Bill is finalised with the review of the Bill by the head of the relevant department whilst in others, it can go further up the hierarchy, up to and including the general director or the administrative head of the Drafting Authority.

3. Public consultation

3.1. Public consultation with respect to a Bill is a necessary step in the legislative process except for the following matters :

- 3.1.1. Annual budget and public finance;
- 3.1.2. Direct applicability of EU Regulations (unless there is scope for legislative intervention by the EU member states);
- 3.1.3. Penal code;
- 3.1.4. Consumer tax;
- 3.1.5. Adoption of measures in case of economic crises, cases of emergency (natural disaster, etc.), and emergency issues with respect to the health and safety of the citizens;
- 3.1.6. Defence and national guard; and
- 3.1.7. Foreign affairs of the Republic for issues of national interest, e.g., cooperation of the Republic for issues of exclusive economic zone, search, and rescue.

3.2. The importance of public consultation is highlighted in Part 7 of the Impact Assessment Guide where, in addition to the requirement for a consultation with the public and the targeted interested stakeholders, the need for a consultation with all relevant governmental departments and services is explicitly referenced. The role of the Ministry of Finance is particularly significant, especially where the Bill is likely to have an impact on the financial status of the Republic.

3.3. The manner in which public consultation is conducted can vary. The Republic is currently in development of an e-Consultation tool to better facilitate the process.

3.4. The public consultation process is outside the scope of this Project.

3.5. Following the conclusion of the public consultation process, the Drafting Authority needs to identify whether any changes are necessary to the draft of the Bill that was subject to public consultation and proceed with making them .

4. Impact Assessment questionnaire

4.1. The Impact Assessment is a tool underpinning the whole of the legislative process and its role is to provide a pre-emptive assessment of the suitability and an assessment of the possible economic, social, and environmental impact a Bill may have .

4.2. An Impact Assessment is necessary for all Bills, except for the following types of Bills :

- 4.2.1. Bills setting out the principles for the management of the public finances;
- 4.2.2. Annual budget and public finances;
- 4.2.3. Legislative instruments with respect to court procedure and the penal code;
- 4.2.4. Defence and operation of the Cyprus army and the national guard;
- 4.2.5. Foreign affairs of the Republic on issues of national interest, e.g., cooperation of the Republic on issues of exclusive economic zone, search, and rescue;
- 4.2.6. Bills requiring emergency regulation (e.g. immediate replacement of existing legislation which was found to be unconstitutional or other emergency situations for the imposition of law or regulation of safety for facing or mitigating the spreading of serious illness);
- 4.2.7. Bills consolidating existing legislation, unless the new consolidating Bill introduces substantive additional or new provisions;
- 4.2.8. Bills introduced for purely correcting reasons (corrigendum) to the wording of existing legislation or amending Bills of purely technical character, which in no way amend the subject, purpose or expected results from the implementation of the said legislation;
- 4.2.9. Bills introduced or drafted as a direct consequence of court decisions which allows no other discretion in the evaluation of alternative options of regulation or does not allow for any substantial consultation;
- 4.2.10. Ratification of International Treaty or Convention including a provisional application clause;
- 4.2.11. Ratification of International Mixed Agreements with respect to areas of exclusive EU competency or shared competency between EU and member states;
- 4.2.12. Orders and Directives issued by the Council of Ministers or a responsible Minister or regulatory authorities to their members (e.g. Central Bank of Cyprus, Cyprus Securities and Exchange Commission); and
- 4.2.13. Bills with respect to the formulation or amendment of service plans.

4.3. At this stage of the procedure and after the draft Bill reaches its final form, the Drafting Authority is responsible for completing the Impact Assessment Questionnaire AA I. For the proper completion of the questionnaire, a detailed guide setting out examples and further tools assisting its completion is provided in the Impact Assessment Guide.

4.4. The Impact Assessment Questionnaire AA I covers, among other things, the following main areas:

- 4.4.1. Necessity and intention of legislative intervention;
- 4.4.2. Evaluation of alternative means of intervention;
- 4.4.3. Consultation (both between the governmental departments and public);
- 4.4.4. Financial impact for:
 - 4.4.4.1. Households and citizens;
 - 4.4.4.2. Undertakings;
 - 4.4.4.3. SMEs; and
 - 4.4.4.4. Economics of the Republic;
- 4.4.5. Societal impact; and
- 4.4.6. Environmental impact.

4.5. Once the Impact Assessment Questionnaire AA I is completed, it must be reviewed and signed by the general director of the Drafting Authority .

4.6. If the Bill is likely to have an impact on SMEs, the questionnaire is firstly submitted to the evaluation unit for the SME test which is led by the SME Envoy for Cyprus. The questionnaire must be submitted to specific members of the evaluation unit. It is also

forwarded to DG Growth at impactassessment@mof.gov.cy. The evaluation unit for the SME test performs a qualitative evaluation of the analysis undertaken by the Drafting Authority with respect to the impact the Bill will have on SMEs. The evaluation unit for the SME test typically responds within thirty (30) days with their evaluation . Following the receipt of the response or the lapse of thirty (30) days from submission of the questionnaire, the Drafting Authority may proceed with submitting the completed questionnaire together with the Bill and any other relevant accompanying documents to the Law Office for legal vetting.

4.7. Where the Bill is unlikely to have an impact on SMEs, the process described in paragraph 5.6 is omitted and the Drafting Authority can immediately proceed with the submission of the executed questionnaire to DG Growth at impactassessment@mof.gov.cy, and the simultaneous submission of the Bill to the Law Office for legal vetting.

5. Submission of Bill for legal vetting

5.1. Before the relevant Ministry forwards the Bill for legal vetting to the Law Office, it must ensure that all relevant accompanying documents are drafted by the Drafting Authority and submitted together with the draft Bill.

5.2. Firstly, a draft of the Explanatory Report must be prepared. The Explanatory Report provides both a brief summary of the Bill and the intention behind its introduction .

5.3. Secondly, a written assessment as to the compatibility of the Bill with human rights must be prepared . There is no official, approved, and agreed template or wording that such written analysis must take or include. This is left to the Drafting Authority and depends on the level of analysis necessary.

5.4. Thirdly, as per paragraph 5.7, the draft Bill must be accompanied with the executed Impact Assessment questionnaire (unless the Bill was exempt from the obligation to perform an Impact Assessment) .

5.5. Before a Ministry submits a Bill and its accompanying documents to the Law Office for legal vetting, the Drafting Authority must ensure that the text of the Bill is in Arial 12 font and in double spacing .

5.6. It is recommended that amendments to existing laws are made in an organised fashion and on the basis of a yearly plan. Changing the same law multiple times in the same year is not good regulation .

5.7. As for the timing of the submission of a Bill for legal vetting, it is recommended that a draft Bill is submitted at least four (4) months before the intended date of publication . Only in specific and fully justified circumstances should Bills be submitted as urgent.

5.8. There is no official procedure through which a Bill is assigned an “urgent” status. The submitting Ministry with its cover letter usually sets out the reasons why it considers that the Bill must be given priority and requests that the legal vetting procedure is undertaken in an expedited manner. The Law Office together with the Attorney General decide on an ad-hoc basis whether priority will be given to a certain Bill over others. The Law Office does not officially respond as to whether the Bill will be prioritised over other already submitted Bills.

5.9. Some of the Drafting Authorities have a centralised document manually tracking all of the law drafting process undertaken by such Drafting Authority, signifying the subject matter and the stage in the process a legislative instrument is. There is no centralised registry to which all Drafting Authorities must input this type of information.

5.10. The Bills and the accompanying documentation must be submitted to the Law Office both as hard copies (one (1) copy) and electronically at att.gen@law.gov.cy. The submission must be made by the Ministries and not their departments or services or the Drafting Authority (if the Drafting Authority is not a Ministry) to ensure that the proper procedure and planning is followed. Each Ministry has the responsibility to exercise control over the manner that such documents are forwarded to the Law Office for legal vetting. The relevant Ministry must clearly set out its intentions with respect to the Bill in detail and ensure compliance with its own policy.

6. Legal Vetting

6.1. The Attorney General as the legal advisor of the Republic is assisted by the officers of the Law Office in undertaking the legislative review of all draft Bills. The Legal Vetting Section of the Law Office is mainly responsible for reviewing draft Bills before such are submitted for approval to the Council of Ministers.

6.2. The Legal Vetting Section, undertakes the legal scrutiny of Bills and also assists in maintaining the legal quality, simplicity, soundness, effectiveness and enforceability of the proposed Bills. A single point of review of draft Bills also seeks to ensure a level of homogeneity between Bills prepared by different Drafting Authorities. Important parameters of control considered by the revisers include:

- 6.2.1. Constitutionality;
- 6.2.2. Proportionality of Bill with the intended objective, taking into consideration its implications;
- 6.2.3. Compatibility with EU and international law;
- 6.2.4. Effectiveness, efficiency and avoidance of unnecessary financial costs in its implementation;
- 6.2.5. Transparency; and
- 6.2.6. Identification of the authorities which will be competent or responsible for implementation.

6.3. The Legal Vetting Section further ensures that the principles of good legislation and better regulation are achieved ensuring that, in their assessment of a proposed Bill they:

- 6.3.1. Identify the issue the Bill is trying to resolve;
- 6.3.2. Assess whether existing domestic or international legislative instruments are inadequate to resolve the issue;
- 6.3.3. Examine whether any other alternative would have resolved the issue and, if so, what would be the implications of selecting the alternative resolution mechanism;
- 6.3.4. Evaluate the impact of the Bill;
- 6.3.5. Consider whether the public consultation undertaken was sufficient and if consensus was reached which affected the drafting of the Bill; and
- 6.3.6. Assess and evaluate the impact of the Bill with respect to gender considerations.

6.4. When the Bill and its accompanying documents are received by the Law Office, the general registry of the Law Office creates a new entry in their system which represents the request made for legal vetting. This entry is then updated at all subsequent stages of the procedure i.e. both during all internal stages of the legal vetting and in subsequent stages, to the degree that the Law Office is notified about them.

6.5. There is no official procedure with which the Bills are assigned for legal vetting to an officer of the Legal Vetting Section. There are no subdivisions of the Legal Vetting Section i.e. criminal division, civil division, etc. but over the years some of the officers have become more experienced in a certain area of law and they are entrusted with Bills falling within their area of experience. Where the Bills are highly technical and specialised in nature, the assistance and/or review of another officer of the Law Office serving in any of the other departments of the Law Office may be sought.

6.6. Throughout the Legal Vetting, the officer responsible for the Bill may communicate with the relevant officer of the Drafting Authority to discuss any issues, concerns or questions that the former has with respect to the submitted Bill. The communication is facilitated either through letters, email exchange, telephone calls or meetings.

6.7. Where the assigned officer of the Legal Vetting Section considers that the submitted Bill requires changes with respect to its substance, it may pause the legal vetting process and forward a letter and/or email to the submitting Ministry setting out the comments and issues identified during the review stage. There is no official hierarchical procedure through which the decision to pause the legal vetting must go through to be approved. Once the comments of the Legal Vetting Section are received, the Drafting Authority is responsible to make the necessary amendments and the submitting Ministry must re-submit the Bill for legal vetting. At this stage, the steps described in paragraphs 4 and 5 do not need to be repeated unless the changes to the Bill have significantly altered its essence. In some instances the relevant officers may also proceed with making the proposed changes themselves.

6.8. When an officer considers that the legal vetting of the Bill has been finalised, it prepares a cover letter to the submitting Ministry which can include any comments the officer has with respect to the Bill. There is no official hierarchical procedure that needs to be followed to signify the end of the legal vetting of a Bill, although depending on the Bill, it might be requested that the relevant supervisor reviews the findings of the officer. The officer submits the cover letter, together with the Explanatory Report, the reviewed Bill and any other accompanying documentation to the general registry of the Law Office, which in turn forwards same to the Attorney General, in order for the latter to execute the Explanatory Report. This procedure is made through the exchange of physical copies. Following the execution of the Explanatory Report by the Attorney General, the general registry of the Law Office forwards all relevant documentation to the submitting Ministry. It is common that the text of the Bill is also forwarded electronically for ease of reference.

7. Submission of Bill to the Council of Ministers

7.1. Before the relevant Ministry submits the Bill for approval to the Council of Ministers, it must ensure that all relevant accompanying documents are drafted and submitted together with the draft Bill.

7.2. Proposal to the Council of Ministries

7.2.1. The Drafting Authority must prepare a Proposal to which the draft Bill, the Explanatory Report (duly signed by the Attorney General), the human rights compatibility assessment, and the Impact Assessment questionnaires (if necessary) must be attached .

7.2.2. A Proposal must be short and concise. It must not be more than two (2) pages long, but if there is a need for a more detailed approach, such must be included in schedules and accompanied by an explanatory note directing the Council of Ministers to the issues it needs to focus on. The Proposal must include in summary form the position of any relevant Ministries and adhere to a specific format .

7.2.3. Where the Proposal includes references to a specific legislation, a copy of the relevant sections must be attached as a schedule to the Proposal . When the Bill is amending a current law, there is no need to attach the current law.

7.2.4. Where the Bill will result either in financial spending or issues with respect to the environment, the Proposal must incorporate the views of the Ministry of Finance and the Department of Environment respectively. In both cases, the submitting Ministry must forward a draft of the Proposal to the Ministry of Finance or the Department of Environment (as relevant), allowing at least fifteen (15) days for the Ministry to examine the issue and submit its views in writing to the submitting Ministry. Proposals not containing the views of the Ministry of Finance or the Department of Environment (as relevant) will only be accepted if the Ministry of Finance or the Department of Environment fail to submit their views within the relevant timeframe or where the decision of the Council of Ministers is urgent. In such cases the submitting Ministry may:

7.2.4.1. submit the Proposal with which it requests the Minister of Finance to express their views during the discussion of the issue in the meeting of the Council of Ministers ; or

7.2.4.2. orally request the views of the Department of Environment prior to the meeting of the Council of Ministers and present both the views of the Department of Environment and of the submitting Ministry orally during the discussion of the issue at the meeting of the Council of Ministers .

7.2.5. For any Bills touching on issues within the competencies of the Commissioner for State Aid Control, Commissioner of Electronic Communications and Postal Regulations, Unit for the Administrative Reform, Commissioner for Volunteering and NGOs, and the Cyprus Energy Regulation Authority, the views of such bodies must be sought (as relevant) and must be incorporated in the Proposal .

7.2.6. If the proposed measures included in a Proposal are based on reasons of public interest, such must be specified so that the reasoning behind them are clear for purposes of judicial review .

7.2.7. The operative part of the Proposal must include the suggestion of the relevant Ministry which is the subject of approval by the Council of Ministers . The operative part of the Proposal must necessarily request that the Council of Ministers approve the draft Bill, authorise the Minister to submit it to the House of Representatives for voting into law, and issue a decision of the Council of Ministers approving the Bill to be published . Additionally, the operative part of the Proposal may include a request for an authorisation to the submitting Minister by the Council of Ministers to make any amendments they consider necessary at the examination of the legal text by the House of Representatives without the need to re-submit the Bill for approval to the Council of Ministers .

7.2.8. Where the Proposal is accompanied by topographical plans, twenty five (25) copies of the plans must be attached. If the plans are too lengthy, then five (5) copies will need to be forwarded to the Secretariat of the Council of Ministers and not be attached to the Proposal itself. In the latter case, the text of the Proposal must state that the topographical plans were submitted to the Secretariat of the Council of Ministers and that they were not attached to the Proposal. The same applies for any voluminous schedules. In cases of coloured tables, diagrams or other representations, such must be clear by using a colour printer or by adding such colours by hand . The e-Synergasia platform has a limit of 10-15 MB for each document and in cases that the document exceeds the said size restriction the Proposal must include relevant wording signifying that the document was submitted to the Secretariat of the Council of Ministers and not that they are attached with the Proposal.

7.2.9. There is no official procedure for the internal approval path or the process which a Proposal must go through in each of the Drafting Authorities (and subsequently for the submitting Ministry if the Drafting Authority is not a Ministry) to signify that a draft of the Proposal is finalised. The Proposal is in any case reviewed by the general director of the Submitting Ministry or the Minister of the Submitting Ministry who must execute the Proposal.

7.2.10. Any Bill submitted to the Council of Ministers must have previously been subject to legal vetting, unless there are circumstances where the pre-approval of the legislative proposal is required prior to its legal vetting. In such instances, the Bill must be re-submitted for final approval after the completion of the legal vetting .

7.3. The Bill (as an attachment to the relevant Proposal) must be submitted to the Secretariat of the Council of Ministers both through electronic means (e-Synergasia) and through ten (10) physical copies . As only Ministries can submit Proposals to the Council of Ministers, any Drafting Authority must ensure that it forwards the relevant documentation to the responsible Ministry (or Deputy Ministry and then Ministry) for submission. Each Ministry has a dedicated folder in the e-Synergasia to which the Proposal must be uploaded.

7.4. The planned meetings of the Council of Ministers takes place typically every Wednesday , and the deadline for submission of any Proposals to be included in the agenda is 14:30 of the previous Friday . There will be instances where the Secretariat of the Council of Ministers will accept items for the agenda if they are submitted by Monday morning. In extraordinary situations and in cases of emergency, a Proposal may be submitted up to twenty four (24) hours before the meeting of the Council of Ministers, subject to the submitting Minister informing the Secretariat of the Council of Ministers about the title of the Proposal .

7.5. It is possible for the day of the meeting of the Council of Ministers to take place on another day. In such cases the Secretariat of the Council of Ministers informs the members of the Council of Ministers and lets them know when is the final deadline for the submission of items to be included in the agenda.

8. Review of Bill by Council of Ministers

8.1. When the officers of the Secretariat of the Council of Ministers receive the Proposal either in a physical copy or electronically, they confirm that an electronic copy or a physical copy was also submitted respectively. Where one of the two submissions was not made, the archive department will contact the relevant Ministry to request that the missing submission is made.

8.2. Once the officers of the Secretariat of the Council of Ministers confirm that both submissions were made, they undertake a pre-examination of the Proposal. There are no assigned officers of the Secretariat of the Council of Ministers dealing specifically with Proposals submitted by specific Ministries, but the workload is shared and allocated between a group of three (3) officers. If the submission of the Proposal is not in accordance with the procedure set out in paragraph 8 above, the Secretariat of the Council of Ministers will notify the submitting Ministry and will not include it to the agenda until re-submitted correctly .

8.3. If the Proposal complies with the relevant requirements and is submitted on time, it will be included in the draft agenda drafted by the officers and the secretary of the Secretariat of the Council of Ministers. If not submitted on time, the Proposal will be included in the agenda of the next meeting of the Council of Ministers . The secretary of the Secretariat of the Council of Ministers will examine either with the President of the Republic or the Minister of Finance in the absence of the President of the Republic (or other authorised person) the items listed in the draft agenda and decide which will be included in the official agenda for the next meeting of the Council of Ministers. The draft agenda is printed together with the relevant Proposals and included in a box file for the abovementioned examination. The person approving the draft agenda has the authority to approve which of the listed items will be included in the official agenda and those not included remain on file for the next meeting of the Council of Ministers. The official agenda will then be prepared and uploaded on e-Synergasia. The agenda is circulated by the Secretariat of the Council of Ministers to the members of the Council of Ministers every Monday . The Secretariat of the Council of Ministers forwards an email to the members of the Council of Ministers which includes a link to the official agenda and each item of the agenda has a link to the relevant documentation. All such documents are hosted on e-Synergasia.

8.4. If a Proposal is submitted as urgent as per paragraph 8.4 above, then the Secretariat of the Council of Ministers will inform the President or the authorised person for setting-up the agenda in order to receive approval to include it in the agenda . For issues included in the official agenda after it has been communicated to the members of the Council of Ministers, it is not expected that the electronically submitted agenda will be updated. The relevant Proposal is submitted in physical form and physical copies are given to the members of the Council of Ministers during the meeting. As soon as possible after the relevant meeting, it is expected that the submitting Ministry uploads the relevant documentation to e-Synergasia.

8.5. During the meeting of the Council of Ministers, the Ministers have access to the Proposal and the accompanying documents (including the Bill) through e-Synergasia (except for the Proposals for Bills introduced as urgent, as per paragraph 9.4 above). The submitting Minister presents the Bill and must be in a position to respond to any questions raised by other members of the Council of Ministers. Decisions at the meetings of the Council of Ministers are taken by majority . There are a number of outcomes possible following a discussion of a Proposal for a Bill:

8.5.1. Approval: The Council of Ministers may decide to approve the Bill as it is with no changes.

8.5.2. Conditional Approval: The Council of Ministers may approve the Bill, but request that specific changes are made to the Bill before it is submitted to the House of Representatives.

8.5.3. Minor Changes and Resubmission: The Council of Ministers may request that some minor changes to the Bill are made and the Bill is re-submitted to the Law Office for Legal Vetting before it is re-submitted to the Council of Ministers for approval.

8.5.4. Significant Changes and Resubmission: The Council of Ministers may request that significant changes are made to the Bill which may alter the philosophy and/or structure of the Bill. In such cases and depending on the envisaged scope of changes, it might be necessary for the Bill to go through all or some of the previous stages before it is re-submitted to the Council of Ministers.

8.5.5. Rescheduling: It might be possible that the Council of Ministers does not have sufficient time to examine a Bill in its entirety and/or some further information may be necessary, and it is decided that the Proposal is examined in a following meeting of the Council of Ministers .

8.5.6. Withdrawal: During the discussion it might become apparent to the submitting Minister that the Bill would require further changes to proceed, or the Bill is not aligned with governmental policy. The submitting Minister has the right to request that the Proposal is withdrawn. If the submitting Minister decides to re-submit the relevant Bill, it might be necessary to go through all or some of the stages of approval of a Bill depending on the scope and significance of any changes made.

8.5.7. Rejection: The Council of Ministers may not agree with the introduction of the Bill and reject it.

8.6. After the meeting of the Council of Ministers, the secretary of the Secretariat of the Council of Ministers informs the officers of the Secretariat of the Council of Ministers as to the decision of the Council of Ministers for each of the Proposals. The officers draft and upload to e-Synergasia a table setting out the decision of the Council of Ministers for each of the Proposals, so that each submitting Ministry is aware of the outcome of their respective Proposals.

8.7. The Secretariat of the Council of Ministers prepares a draft decision with respect to the Proposal which could be the same as the operative part of the Proposal or differentiated in accordance with what was decided by the Council of Ministers. The draft decision together with a cover letter are signed by the secretary of the Secretariat of the Council of Ministers and are forwarded to the submitting Ministry so that it can further submit it to the House of Representatives. The decisions of the Council of Ministers are published in the Official Gazette at Part I, Annex IV and on the website of the Secretariat of the Council of Ministers.

9. Submission of Bill and accompanying documents to the House of Representatives for Introduction

9.1. Upon approval of a Bill by the Council of Ministers as described in paragraphs 8 and 9, the Bill is submitted to the House of Representatives for Introduction.

9.2. Recommendation Report

9.2.1. Before submitting the Bill for Introduction to the House of Representatives, the Drafting Authority must draft a Recommendation Report .

9.2.2. The contents of the Recommendation Report do not significantly differ from that of the Proposal, apart from its title, introductory paragraph and conclusion for which certain standard wording is expected to be included .

9.2.3. The purpose of the Recommendation Report is to provide briefly and accurately the purpose of the Bill, the necessity for its preparation and reference as to whether it is a new piece of legislation or whether it repeals, amends or replaces any existing legislation.

9.3. The Bill must be duly signed by the Minister who introduces the Bill and be accompanied by the following documents :

9.3.1. Explanatory Report duly signed by the Attorney General ;

9.3.2. Recommendation Report;

9.3.3. Proposal;

9.3.4. Relevant decision of the Council of Ministers;

9.3.5. Duly completed Impact Assessment questionnaire (except in circumstances where the Bill in question is exempt from the requirement to carry out an impact assessment), and

9.3.6. any additional data the President of the House of Representatives has requested to accompany the relevant Bill, as notified to the executive power.

9.4. Where the Ministry wishes a Bill to be categorized as urgent, it must additionally submit a written notification to the President of the House of Representatives either by the Minister submitting it, or by the general director of the relevant Ministry to the general director of the House of Representatives , containing the reasons which require the Bill to be categorized, and thus treated, as urgent. In rare circumstances, where justified by the nature and purposes of the Bill, such notification may be made orally. The decision on whether the Bill will ultimately be categorized as urgent will be determined by the Plenary through voting.

9.5. All the documents described in paragraph 10.3 together with the Bill are forwarded to the general director of the House of Representatives with a cover letter signed by the competent Minister in one hundred (100) hardcopies (recently, the number of hardcopies has been reduced to fifty (50)). Electronic versions of the documents are also forwarded via email to archives2@parliament.cy. In the cases where due to the size of the document it is not possible to be forwarded via email then such document is submitted via a disc (CD) or USB. Where the Bill relates to the state budget, then the Bill and its accompanying documents must be submitted in electronic form and be sent electronically to parliamentary-committees@parliament.cy . The documents are typically sent in Microsoft Word format, where documents relating to the state budget contain tables, then such are typically sent in Excel format.

9.6. Before its official submission for Introduction to the House of Representatives, the Archive Department of the House of Representatives performs a preliminary review to ensure the Bill submitted is accompanied by the duly completed documents required.

9.7. A Bill is accepted by the House of Representatives provided that :

9.7.1. The content of both the hardcopies and electronic versions of the Bill are identical, and

9.7.2. All accompanying documents are duly completed.

9.8. If any of the requirements of paragraph 10.7 are not met, the House of Representatives rejects the submission of the Bill and returns it to the responsible Ministry.

9.9. A submission of a Bill as per above must be submitted to the House of Representatives at least twenty-four (24) hours before the commencement of the regular session of the Plenary of the House of Representatives during which the Bill is intended to be introduced . If such deadline is not met, the Bill is introduced on the following session of the Plenary . By exception, urgent Bills may be submitted to the Plenary after twenty four (24) hours deadline and still be submitted for Introduction.

10. Introduction of Bill to the House of Representatives

10.1. The meetings of the Plenary of the House of Representatives take place regularly every week (typically on Thursdays). The quorum of the House of Representatives consists of at least one third of the total number of its members and the laws and decisions of the House of Representatives are passed by a simple majority vote of the Representatives present and voting , except where otherwise specifically required by the Constitution . A Representative may vote for, against or abstain. The minutes of the discussions in the House of Representatives are transcribed in full by the stenographers by hand and typed into full text on Microsoft Word and saved on eOASIS. The Research Studies and Publication Service of the House of Representatives is responsible for checking the minutes, indexing them and ensuring their final publication by the Government Printing Office in the Official Gazette. The minutes are also available on the House of Representatives' website within fifteen (15) days from the date of the relevant sitting.

10.2. The agenda of the meetings of the Plenary of the House of Representatives is drawn up by the general director of the Parliamentary committees Service and presented to the House of Representatives by the President of the House of Representatives. The agenda of the meetings of the Plenary of the House of Representatives is drawn up by the general director of the Parliamentary Committees Service and presented to the House of Representatives by the President of the House of Representatives. The agenda must be printed and distributed to the Representatives at least twenty-four (24) hours prior to the meeting, but if such agenda relates to the topic already under discussion such distribution may be made at any time prior to the meeting. In practice, the agenda is circulated to the Representatives forty-eight (48) hours before the commencement of the Plenary meeting via email. It is subsequently archived on eOasis. The agenda must include the following chapters relating to its legislative work :

10.2.1. Chapter one: Legislative work – Chapter one focuses on the voting of legislation. Once a Bill is ready to be submitted for voting, the Clerks of each Committee notify the Parliamentary Committees Service so that the Bill can be added to the agenda of the next Plenary for voting. Such notification typically takes place verbally (i.e. via phone).

10.2.2. Chapter two: Introduction of Bills/Private Bills and Documents – Chapter two focuses on the introduction of new legislation and their assignment to the competent Committee of the House of Representatives in accordance with their subject matter to begin discussions. Chapter two is circulated separately twenty-four (24) hours before the Plenary

meeting and also contains the accompanying documents of any Bills submitted for Introduction. Chapter two is circulated via email and is uploaded on e-Synergasia.

10.3. During the sitting of the Plenary and in accordance with Chapter two of its agenda, Bills are introduced to the House of Representatives, are announced by the President of the House of Representatives and are referred for discussion to the competent Committee. Following their Introduction, they are distributed (together with all their accompanying documents) to all the Representatives via e-mails and are published in the Official Gazette (Sixth Annex) no later than seven (7) working days from the date of their Introduction to the House of Representatives. At the same time, they are posted on the official website of the House of Representatives for the observations and comments of the citizens within a defined timeframe. At the moment, it appears that observations and comments can be submitted within a ten (10) day timeframe from the date of their upload on the website through sending an email to parliamentary-committees3@parliament.cy. Any correspondence received at the aforementioned email is handled by the Communications Service of the House of Representatives which either sends it to the general director of the House of Representatives and/or directly to the competent Committee for consideration.

10.4. Where the subject matter of the Bill falls within the competence of more than one Committee, the President of the House of Representatives may call joint meetings of the competent Committees.

11. Referral of Bills to the competent Committees

11.1. The chairperson of each Committee is responsible for convening its meetings. The quorum of the Committee consists of at least one half of the total number of its members. The decisions of the Committees are taken by majority. In case of a tied vote, the chairperson has the casting vote.

11.2. The agenda is determined by the chairperson in consultation with its members and is drawn up by the Clerks of the Committee. Once the agenda is finalised, it is signed by the general director of the Parliamentary Committees Service and is circulated to the members of the Committee via email. No deadline exists for the preparation and distribution of the agenda as this may change at any time before the meeting. A regular meeting of the Committee contains the following sections related to its legislative work :

B – Legislative work:

- Discussion of draft legislation in principle
- Discussion of draft legislation clause by clause

D – Adoption of final position and decision:

- On outstanding draft legislation to be submitted to the Plenary

E – Consultation on amendments made by Representatives on draft legislation that will be submitted to the Plenary for voting.

F – Re-examination of draft legislation and/or consultations on additional amendments following postponement of the discussion on the said draft legislation by the Plenary.

11.3. A Committee may decide to entrust the study of one or more matters to subcommittees composed of Committee members. The subcommittees submit the results of their study to all members of the Committee to assist them in deciding upon the matter in question. The procedures of the subcommittee follow as much as possible the procedures as applicable to the Committees.

11.4. The minutes of the meetings of Committees are drawn up in a summary form by the Clerks of the Committee. Should a Committee deem necessary, it may exceptionally order that verbatim minutes are kept by stenographers, taking into account the nature and importance of the matter under discussion. The chairperson of the Committee must ensure that copies of the minutes are forwarded to all its members. In practice, the minutes are prepared in Microsoft Word and are sent to all the members (either in Word or PDF format) via email. The minutes are confidential and cannot be distributed to any person other than a member of the House of Representatives, without the instructions of the President of the House of Representatives. The minutes are subsequently archived in eOASIS.

11.5. Upon referral of the Bill, the chairperson of the competent Committee, following consultation with the President of the House of Representatives and the leaders (or their deputies) of all political parties, instructs the Clerks to include in the Committee agenda the Bill to begin its discussion and organise the date and time of the first session. The chairperson ensures that a period of at least fifteen (15) days has passed from the Introduction of the Bill to the House of Representatives until the beginning of the discussion by the competent Committee.

11.6. The fifteen (15) day minimum period set out in paragraph 12.5 is not applicable in cases of Bills:

11.6.1. of an urgent nature in accordance with paragraph 10.4;

11.6.2. which, as determined by the Committee, need to be discussed in priority. Such determination takes place only in special and/or exceptional circumstances where the chairperson, taking into consideration the significance, extent, complexity and intended purposes of the Bill, may determine a specific or different in time-frame procedure from the normal procedure without however omitting any of the stages of discussion (which however may be condensed in terms of time). Where the Committee decides to discuss a Bill in priority, the President of the House of Representatives must be so notified by the Clerks of the Committee with the submission of a reasoned memorandum on the reasons for reaching such decision as well as the procedure to be followed by exception, where such has been determined; or

11.6.3. relating to the budget and/or the supplementary budget.

11.7. In any case, with the exception of urgent Bills, no Bill can be discussed by a Committee before the lapse of forty-eight (48) hours after its distribution to the Representatives forming part of the competent Committee.

12. Summoning of stakeholders to sessions of the Committees

12.1. Committees have the right (which is widely used) to summon any interested organ, authority, organisation, society, association, trade union, person or corporate body to provide information and evidence or to express and elaborate views and opinions on any Bill under discussion. In order to determine who to invite, the Committees may consider including any parties who participated in the public consultation process of the Bill. The Committees may at their discretion also invite parties who have requested to attend the meeting of the Committees to present their views. All invitations for participation in Committee meetings are sent via email.

12.2. Committees must also invite representatives of the Religious Groups where the Bill may relate to these groups.

12.3. The chairperson and the Clerks invite any relevant Ministers and the Drafting Authority (if different) to participate in the session of the competent Committee at which the discussion of the Bill will take place. Such Ministers and Drafting Authorities may attend and participate in the sessions of the competent Committee and express their views and opinions on the subject matter. In their absence, at least one representative from the Ministry must be present.

12.4. With the exception of Bills described in paragraph 12.6, the Clerks share the agenda of the Committee with the participants, together with the draft Bill and any available supporting material via email at least seven (7) days before the relevant session of the competent Committee. The supporting material sent typically refers to the Explanatory Report and the Recommendation Report. The Representatives may also access the draft Bill and supporting documentation on e-Synergasia. It should be noted that the external stakeholders participate only in the initial stages of the discussions, namely in the sessions of discussion of the Bill in principle and on a clause by clause basis.

12.5. Other Committees deemed to have expert knowledge or experience which may contribute to the examination of the Bill, may be requested in writing to provide their opinion on the matter, within a period not exceeding fifteen (15) days from the beginning of the discussion. Such opinion must be given as soon as possible and, in any case, must be provided in writing within a period not exceeding twenty one (21) days.

13. Discussion of Bill in principle and on a clause by clause basis by the Committee

13.1. Prior to the initial session of the Committee, the Clerks are responsible for uploading the relevant Bill and its accompanying documents to e-Synergasia so that they are accessible by the Representatives in advance of and during the meetings. The upload of further documents may be carried out in subsequent meetings, if deemed necessary. Further documents are circulated via email prior to each relevant session.

13.2. The documents uploaded on e-Synergasia are not accessible by their file number but rather on the basis of the date when they were uploaded.

13.3. The initial session of the competent Committee commences with the reading by principle of the Bill i.e. a discussion on its subject matter, its purpose and its effect. The first session has an informative role and initial views and opinions of the participants are expressed.

13.4. Once the reading by principle is completed, the following sessions of the competent Committee focus on the clause-by-clause reading. During these sessions, a detailed reading of the Bill takes place, and the participants examine the content of the Bill sentence by sentence and suggest amendments and/or develop discussions on the matter. The number of these sessions is usually based on the complexity of the matter of the Bill. Where the size of the Bill allows, the sessions of discussion of Bill in principle and on a clause by clause basis may coincide.

13.5. Throughout the sessions, the Clerks take note of the amendments/discussions and keep the draft of the Bill updated. The draft Bill is only shared with the members of the

Committee in its updated form following the completion of all sessions relating to the clause-by-clause reading.

13.6. In certain cases, the competent Ministries may proceed with making amendments to the Bill under discussion and re-submit the draft for consideration directly at the Committee discussion stage. Where the changes made by the relevant Ministry alter the substance of the Bill, then the Bill may need to be re-submitted for Introduction and go through all stages of the parliamentary discussion again. Where amendments are made by the competent Ministry, such updated version of the Bill will be circulated to the members of the Committee via email and/or on e-Synergasia as a revised draft to enable the continuation of the discussion of the Bill in its amended form.

13.7. In addition to a Bill being amended by the competent Ministry during Committee discussions, the Ministry may also, at its discretion, determine to withdraw the Bill altogether. In such cases, the competent Minister is required to send a letter to the House of Representatives with a request for the withdrawal of the Bill (such letter will contain the file number of the relevant Bill as allocated to it by the Ministry and not the file number allocated to it by the House of Representatives). The withdrawal is then entered into the agenda of the Plenary (under Chapter one) and is subsequently announced by the President of the House of Representatives during the Plenary session.

13.8. During the initial two stages, evidence and information can be presented by all stakeholders summoned by the Committee which the Committee must take into consideration. The precise procedure to be followed in each case for the collection of evidence and information is determined by the Committee.

13.9. The chairperson of the Committee requires from anyone appearing before the Committee to express their opinions and views in a concise and comprehensive manner and submit relevant evidence and information on the Bill under consideration.

13.10. All stakeholders invited to the Committee sessions are expected to submit true information and not hide or conceal anything in their knowledge, under their control or possession and must present any public or private documents which, in the view of the Committee, may assist in the execution of its work and the examination of the matter at hand.

13.11. A Committee can request a priori the submission of a memorandum (memo) comprising the views of a Ministry, Drafting Authority (if different), a government department or organisation on the matter to be discussed. In case these views are expressed in person before a Committee, the representatives must not be deprived of the right to support these views with a written note or memo, which they may forward to the Committee upon conclusion of the meeting concerned.

13.12. All memos addressed to a Committee are submitted to the Committee Clerks which then forward them to all its members via email. Memos are archived on eOASIS under the relevant file number and may be made available on e-Synergasia during the next session of the Committee, if such will be considered during the meeting. Should the preliminary examination of these memos give rise to issues requiring further investigation, then the entire matter is placed before the Committee for decision on the procedure to be followed.

13.13. Any information submitted by the stakeholders is made public, unless a request is made for the information to be classified and considered as confidential. This does not preclude

any Representative from having access to it. The information may be presented before the Representatives in hard copy at the session, and/or be sent via email and/or be uploaded on e-Synergasia in advance of the session. It is up to the discretion of each Clerk how these documents will be circulated. All information is always forwarded to the Archive Department to be saved on eOASIS.

13.14. Once all evidence submitted before a Committee has been distributed to all its members, the Committee may at the first stage ask for clarifications from the persons who have submitted such evidence, in relation to either the evidence itself or any other new points emanating from the evidence in question. At this stage, the members of the Committee should avoid expressing or disclosing in any way their positions or conclusions on the matter under discussion.

13.15. The Committee can further evaluate the evidence submitted in a private meeting of its members.

13.16. It should be noted that where a member of the Committee has a direct personal interest in relation to the matter under consideration, such member must inform the chairperson and the other members of the Committee of such interest at the opening of the meeting for the discussion of a Bill or as soon as the existence of such interest becomes evident in the course of the discussion. Where a member of the Committee has such personal interest such member may still express their views and vote on the matter unless such member chooses to abstain.

14. Adoption of final position and decision

14.1. When the chairperson of the competent Committee considers that the Bill has been sufficiently discussed, they put to vote a motion that the discussion on the matter has been exhausted and proceed with voting in order to proceed at the next stage of the procedure which is the session for the adoption of a final position and decision, without any further discussion on the Bill .

14.2. At this stage, the Clerks proceed with the preparation of the Committee Report (which is usually drafted by a junior Clerk on Microsoft Word and reviewed by a senior Clerk and archived on eOasis), a draft of which is presented at the session for the adoption of a final position and decision. There is no template of the Committee Report and each Committee proceeds with their own draft provided that such draft includes the required information as described in paragraph 15.3 below. A report must be prepared for every Bill to be submitted to the Plenary for voting and must be approved by the members of the competent Committee .

14.3. The Committee Report, must include the following information :

14.3.1. number, date and time of the sessions of the competent Committee and the details of participants;

14.3.2. details of the members of the competent Committee and other non-members who were present at the session of adoption of final position and decision and specific reference to members who were absent but had been present in previous stages of the discussion. A reference to the presence of any representatives from any Religious Groups should also be made;

14.3.3. any exceptions that were made to the regular discussion procedure of the Committee as well as the reasons this was deemed necessary;

14.3.4. the purpose of the proposed legislation;

- 14.3.5. summarised views of the Ministers, the Attorney General and of any other non-parliamentary participants;
- 14.3.6. the amendments/deletions/insertions in the text of the Bill concluded during the clause-by-clause reading session as determined by the Committee on a unanimous or majority basis;
- 14.3.7. if applicable, the opinion of any other Committee where this has been requested in accordance with paragraph 13.5, as well as any other views from any of the departments of the House of Representatives that may have been submitted to the Committee;
- 14.3.8. views expressed by any Religious Groups either orally or in writing;
- 14.3.9. the decision of the Committee, taken either unanimously or by majority, to propose the approval or rejection of the Bill either in its entirety or in part;
- 14.3.10. the positions or opinions of any member(s) of the Committee who disagree with the content of the Committee Report and who wish to include this position in summary within the Committee Report; and
- 14.3.11. any statement of personal interest in relation to the Bill under examination by any member of the competent Committee in accordance with paragraph 14.16.

14.4. All relevant material needed for the session for the adoption and final position are shared in advance (usually 1-2 days before the session) with the members of the competent Committee via email and/or on e-Synergasia.

14.5. During the session for the adoption of a final position and decision, the members of the Committee proceed with the voting on their positions regarding the Bill and consider the draft Committee Report. If no amendments are proposed, the text of the draft Committee Report is considered as adopted by all members of the Committee. Members of the Committee may reserve their position on the Bill at this stage so that they can express their views at the Plenary. This is recorded in the Committee Report.

14.6. Following the conclusion of the session, the drafts are finalised by the Clerks and are forwarded to the Research Studies and Publication Service of the House of Representatives for a review from a linguistic and syntactic standpoint.

14.7. There may be cases where, despite a final position being adopted, the members of the Committee revisit the matter due to new information or evidence becoming apparent following the final position and decision session. In these cases, the Committee reconvenes in order to discuss any new information and may decide to amend its final position accordingly. Consequently, the Clerks may need to prepare and issue a supplementary Committee Report.

14.8. The Committee Report is then distributed to all the Representatives of the House of Representatives together with the final text of the Bill, as amended in accordance with the unanimous or by majority decision of the Committee, via email and/or on the e-Synergasia. A member of the Committee who disagrees with the content of the Committee Report may briefly express their position to be included therein .

14.9. The Committee sessions on the adoption of a final position and decision are held in private .

14.10. The chairperson of the Committee may instruct correction of typographical errors in the content of the Committee Report provided they do not affect the substance .

14.11. Following the completion of the session of the adoption of final position and decision no further amendments are allowed to the text of the documents save for the typographical errors referred to in paragraph 15.10.

15. Consultation on amendments made by Representatives

15.1. The adoption of a final position and decision stage is followed by the stage of consultation on amendments made by Representatives on Bills to be submitted to the Plenary of the House of Representatives, which takes place between the date of the adoption of decision stage and the date of the Bill's submission to the Plenary for voting. In connection to:

15.1.1. Bills by priority; and

15.1.2. Bills in connection to the budget and/or the supplementary budget,

this stage can be compressed into previous stages of discussion.

15.2. No Bill can be submitted with the Committee Report to the Plenary for voting unless fifteen (15) days have passed from the date of the session of the adoption of final position and decision .

15.3. At this stage all the Representatives of the House of Representatives, not only the members of the competent Committee dealing with the draft Bill, are informed by the Clerks of the competent Committee through a letter sent via email of the conclusion of the discussions on the Bill and of the exact date such Bill will be submitted to the Plenary with the Committee Report for voting. The Representatives are also informed of the date during which the session for the consultation on the submitted amendments of the Representatives to the Bills will take place as well as the deadline for the submission of any amendments.

15.4. Any Representative who wishes to make any amendments to a Bill must submit them as soon as possible from the date of the Committee's final decision to the Clerks of the competent Committee . The amendments must be signed by the Representative(s) who make(s) them and note the date and time of submission and the name(s) of the Representative(s). The Clerks must confirm receipt of the submitted amendments by affixing a seal at the end of the submitted text and assigning a number to them. The Clerks typically receive amendments by the Representatives up until 1-2 days before the session of consultation on amendments made by Representatives. The proposed amendments may come in various formats depending on the Representative who submits them. It is typically the Clerks' responsibility upon receiving such amendments to then convert them into the format and language required for a Bill.

15.5. The Committee convenes as soon as possible from within the period from the date of adoption of a decision until the actual submission date to the Plenary, for the purpose of consultation over the submitted amendments of any Representatives .

15.6. The Clerks of the competent Committee must, at least seven (7) days before the set date of the session for the consultation of the Representatives' submitted amendments, send via email and e-Synergasia to all the Representatives of the House of Representatives the final legally vetted, linguistically and syntactically checked text of the draft Bill together with all the decisions of the competent Committee on the amendments that were unanimously or by

majority agreed in the previous stages. At the same time, the draft Bill is posted on the official website of the House of Representatives .

15.7. At the consultation session, the members of the competent Committee consider the submitted amendments by the Representatives and express their position on them. At this point, no amendments are incorporated in the text of the draft Bill or of the Committee Report. Instead, the Clerks keep record of the submitted amendments and the position of the members of the competent Committee on each amendment and prepare the text of submitted amendments separately. This allows for an easier incorporation of the amendments in the text of the draft Bill should the Plenary ultimately decides at its session to incorporate them.

15.8. As soon as the consultation session is concluded, the Clerks finalise the text of the proposed amendments on the Bill and take note of the positions of the Committee on each amendment and submit them for voting by the Plenary. The Clerks of the competent Committee forward the finalised documents either in hard copy or via email to the Archive Department in order to be included on the agenda of the Plenary for voting as well as to all the Representatives.

15.9. No Bill may be submitted to the Plenary for voting unless all stages of discussion by the competent Committee have been completed. Where the Bill is of an urgent nature, these stages are all completed on the same day.

16. Submission of Bill to the Plenary for voting and reading of the Committee Report

16.1. At this stage, the voting of the Bill takes place pursuant to the Chapter one – “Legislative work” of the Plenary agenda.

16.2. With the exception of those which are considered to be of an urgent nature as per paragraph 10.4, no Bill which has passed the Committee stage can be discussed in the House of Representatives before the lapse of forty-eight (48) hours after it has been distributed to the Representatives together with the Committee Report.

16.3. All the amendments made by the Representatives during the consultation stage are presented before the President of the House of Representatives before the discussion of the Bill by the Plenary . Every amendment submitted on time with the Clerks of the competent Committee and provided it has been legally vetted and linguistically and syntactically checked, is presented before the President of the House of Representatives no later than forty-eight (48) hours before the commencement of the Plenary session at which the Bill is intended to be discussed. The amendments are also posted on the official website of the House of Representatives. This is not an automated procedure and it appears that the upload of the amendments on the official website of the House of Representatives is not consistent.

16.4. The chairperson of the competent Committee, or their deputy, which has submitted the Bill for voting presents the Committee Report to the Plenary, unless decided by the House of Representatives that it is not necessary .

16.5. The chairperson of the Committee may order the rectification of errors appearing in a Committee Report on a Bill already submitted to the Plenary, provided that the said errors are purely casual and do not affect in any way the substance of the content of the Committee Report.

16.6. Following the reading of the Committee Report by its chairperson, a discussion of the Bill in principle, clause by clause, and as a whole is carried out, followed by the voting on the Bill .

16.7. No proposals for amendments can take place at this stage save for any oral proposals for amendments in exceptional, unforeseen and/or special circumstances justifying the submission of such an amendment and only with the permission of the President of the House of Representatives . It should be noted that only the amendments submitted at the consultation stage as per paragraph 16 are considered and voted upon by the Plenary. The Clerks of the competent Committee take notice of such decisions in order to proceed with the incorporation of any approved amendments in the text of the Bill.

16.8. Amendments must be discussed and put to the vote before the main subject of the discussion is voted upon, while sub-amendments must be discussed and put to the vote before amendments. The order in which amendments must be put to the vote is proposed by the President of the House of Representatives.

16.9. After the by principle and clause-by-clause readings, and following a decision taken by the President of the House of Representatives that the discussion on the matter has been exhausted, only proposals for amendments in relation to corrections of numerical errors or linguistic or grammatical improvements may be accepted, provided that such do not affect the meaning of the Bill or any section thereof . The President of the House of Representatives has the right to refuse any proposals for amendments. In the event that the Representative who makes the proposal of amendment insists, the Plenary decides .

16.10. Upon completion of the clause by clause reading, the President of the House of Representatives proceeds with the final reading of the Bill by only reading its title and by putting it to the vote as a whole . Upon completion of the voting, no Representative can further speak on the subject except to explain the reasons of a negative vote or abstention .

16.11. Irrespective of the procedure for voting of a Bill by the Plenary, it appears to be common practice for the Committee Report not to be read before the Plenary and for the House of Representatives not to proceed with the reading of the Bill by principle, on a clause-by-clause basis, and as a whole. Instead, the President of the House of Representatives states that the Committee Report is 'considered as read' and proceeds with three (3) readings/votings. During the first reading, the President of the House of Representatives only reads the title of the Bill and the Plenary votes. If anyone wishes to speak on the matter, permission must be requested from the President to speak at this stage. Before the second reading, the amendments submitted with the competent Committee by the Representatives at the session of the consultation are considered and voted upon one by one by the Plenary and their incorporation in the text of the Bill is either accepted or rejected. Then, the President of the House of Representatives proceeds with the second reading where the Plenary is asked to vote upon each clause of the Bill. For efficiency, the President only reads the numbers of the clauses, sometimes in groups (e.g. 1-20 clauses) and not their full text. Finally, the President proceeds with the third reading where the Bill is voted by the Plenary as a whole. Upon completion of the readings, the President asks the Plenary if there are any objections on the enactment of the Bill and, if no objections are expressed, then the legislation is enacted.

16.12. It should be noted that a discussion relating to any topic can be adjourned once for twenty-four (24) hours at the request of the majority of the Representatives present at a

meeting. A discussion in connection to a Bill may be postponed once for a period of not less than fifteen (15) days, following a majority decision of the Representatives present.

16.13. In case of a postponement, if appropriate and necessary, the competent Committee is convened for a re-examination of the matter or for consultation on amendments made by Representatives in the interim period between the postponement date (as granted by the Plenary) and the date of re-submission of the Bill for voting. For the purposes of consultation during such period, the procedure set out in paragraph 16 is applicable.

16.14. Following, the approval of the Bill, the Clerks perform a final review of the content of the documents, incorporate any amendments that were voted at the Plenary and finalise the documents in order to forward them to the office of the President of the Republic for promulgation by publication in the Official Gazette . At this stage, only formatting amendments and corrections to typographical errors are performed.

16.15. The general director of the House of Representatives sends a letter to the general director of the competent Ministry, the Deputy Minister to the President and the Attorney General of the Republic to inform them of the passing of the Bill, together with a copy of the Bill in the final form as voted and approved by the Plenary both in hardcopy and electronically via email and/or sometimes fax. A copy of the legislation is also sent to the Government Printing Office. The Government Printing Office awaits confirmation by the office of the President of the Republic before proceeding with publication in the Official Gazette . The Council of Ministers is also informed by the office of the President of the Republic as to the enactment of such Bill.

16.16. The Ministries must remain informed of the matters that are included in the agenda of the meetings of the Plenary. The administration of the Ministries, following the end of each meeting of the Plenary, must procure from the Archive Department a copy of the final text of the law and/or the amendments passed before such text is sent officially by the House of Representatives to the office of the Deputy Minister to the President so that they can proceed to advise the President in accordance with paragraphs 18.4 – 18.6 in a timely manner. It appears that the above guidelines are not always followed in practice and the Ministries are sometimes unable to get a copy of the final text from the House of Representatives.

17. Promulgation by publication by the President of the Republic

17.1. Following the voting of a law by the House of Representatives, the President of the House of Representatives shares the law with the President of the Republic for the purposes of promulgation by publication.

17.2. As part of the executive powers granted to the President of the Republic by the Constitution, the President has the power to proceed with one of the following actions:

- a. Promulgate by publication in the Official Gazette of any law passed by the House of Representatives ;
- b. Return laws to the House of Representatives (including in connection to the budget) ;
- c. Refer laws to the Supreme Constitutional Court (now the Supreme Court);

d. Veto laws of the House of Representatives concerning foreign affairs, defence or security .

17.3. In the event that the President does not exercise the rights pursuant to the Constitution, the voted law must within fifteen (15) days of receipt by the office of the President of the Republic be promulgated by publication in the Official Gazette .

17.4. The Deputy Minister to the President sends to the competent Ministries a letter in hard copy, together with the text of the law as voted by the House of Representatives, the Committee Report and the relevant minutes of the Plenary. By the letter the Ministries are requested to perform a review of the final text of the voted law, confirm its consistency with the views of the Government and revert with their confirmation that they are in agreement, so that the President may proceed with its signing. At this stage, the competent Ministry may suggest minor amendments that do not alter the meaning or substance of the legislation as it has been voted by the House of Representatives and the office of the Deputy Minister to the President informs the House of Representatives of such minor amendments and a new revised text is sent by the House of Representatives to the Government Printing Office for publication. It appears that official communication at this stage is performed via letters sent in hardcopy, while the use of email and/or fax is only for unofficial purposes to facilitate immediate communication. There is no standard practice.

17.5. If the Ministries agree with the content of the law, they reply directly to the letter previously sent by the office of the President in writing with a letter and the President proceeds with signing the law. Subsequently, the signed law is sent to the Attorney General to be countersigned and the Government Printing Office is informed accordingly to proceed with the publication. It appears that official communication at this stage is performed via letters sent in hardcopy, while the use of email and/or fax is only for unofficial purposes to facilitate immediate communication. There is no standard practice.

17.6. If a competent Ministry has objections on the substance of the law, it informs the Attorney General in writing with a letter sent both via email and hardcopy where the relevant reasons and justifications for return and/or referral are included, with copy to the Deputy Minister to the President. The Attorney General examines the letter of the relevant Ministry and advises the President on whether to exercise the rights of return and/or reference or otherwise. It appears that official communication at this stage is performed via letters sent in hardcopy, while the use of email and/or fax is only for unofficial purposes to facilitate immediate communication. There is no standard practice. These rights may be exercised by the President within fifteen (15) days from receipt of the law by the office of the President of the Republic .

17.7. Right of return: The President can return any law of the House of Representatives to the House of Representatives for re-consideration.

17.7.1. Budget: Where, on the adoption of the budget by the House of Representatives, the President exercises the right of return on grounds of discrimination and the House of Representatives persists on its decision, the President has a right of reference to the Supreme Court on the same ground. Upon such a recourse, the Supreme Court may annul or confirm the budget or return it to the House of Representatives, in whole or in part. Where the Court confirms the decision of the House of Representatives, it notifies the President of the Republic and the President of the House of Representatives immediately upon its decision and the law must be promulgated by the President of the Republic by publication in the Official Gazette.

17.7.2. In the case of exercise of the right of return, the President of the Republic informs the House of Representatives of the return of the law for reconsideration by the House of Representatives within three (3) days . The House of Representatives must reconsider the law within fifteen (15) days from such return and in the case of the budget within thirty (30) days . Following reconsideration, if the House of Representatives insists on its decision, the President is obliged to proceed with promulgation by publication in the Official Gazette . The President may exercise the right of return for any reason. As soon as the House of Representatives is notified of the returned law, all the Representatives are informed via email of such return. The competent Committee then sits in session to consider the reasons of return and prepares a relevant report to be submitted to the Plenary for voting. Following consultation on the reasons of return by the competent Committee, the Plenary votes on whether to accept or reject the return of the law. If the return of the law is accepted, the competent Committee will proceed with amendments to the text of the law and re-submit it for voting by the Plenary. If the return is rejected, the President must proceed with promulgation by publication.

17.8. Referral of a law to Supreme Court: In the case of exercise of the right of reference to the Supreme Court, the President may request the opinion of the Supreme Court on whether the text (whole or in part) is in line with the Constitution or EU law or it is in the public interest . The decision of the Supreme Court is final and can either result in the publication of the legislation or its rejection. In the event that specific provisions of the law in question are deemed unconstitutional or otherwise and provided they are not substantial to the text of the law, such clauses may be eliminated, and the law will be published accordingly without them, otherwise the law is rejected in its entirety.

17.9. The President of the Republic may exercise the right of veto either against the whole or part of any law. In the latter case such law is returned to the House of Representatives for a decision on whether the remaining part will be submitted for promulgation. The right of veto must be exercised within fifteen (15) days from receipt of the law by the office of the President of the Republic.

18. Publication by the Government Printing Office

18.1. The promulgation by publication by the Government Printing Office in the Official Gazette is the last step in the legislative process. The laws and decisions of the House of Representatives come into effect from the date of their publication in the Official Gazette, unless otherwise stated in the published law or decision . A law or specific provisions thereof may come into effect either on a future specified date or period or following the issuance of Notification or a decision of a responsible authority issued in the Official Gazette. A law may also provide for retroactive effect, although certain limitations apply to the retroactive effect of provisions with respect to imposition of taxes and any obligation publishable as a criminal offence.

18.2. As mentioned in paragraph 17.15 above, the general director of the House of Representatives sends a letter to the Government Printing Office to inform them of the passing of the law, together with a copy of the law in the final form as voted and approved by the Plenary, both in hardcopy and electronically via email and/or fax and awaits confirmation by the office of the President of the Republic before proceeding with publication in the Official Gazette. The Government Printing Office only proceeds with the publication of the legislation upon receipt of the relevant legislation duly signed by both the President of the Republic and the Attorney General.

18.3. The Official Gazette includes the following Annexes relating to the publication of legislative instruments:

Annexes:

First Annex – Part I:
Laws (General Legislation).

First Annex – Part II:
Laws (State Budget, Supplementary Budgets, Budgets of Semi-Governmental Organizations).

First Annex – Part III:
Laws (Ratifications, Agreements, Protocols).

Second Annex – Part I:
Procedural Regulations and Rules of Procedure of the House of Representatives.

Second Annex – Part II:
Opinions and Decisions of the Supreme Court.

Third Annex – Part I:
Regulatory Administrative Acts.

Fourth Annex – Part I:
Decisions of Council of Ministers.

Fourth Annex – Part II:
Decisions of the House of Representatives.

Sixth Annex:
Bills, Proposals of Laws.

Seventh Annex:
International Treaties.

Eighth Annex:
Service Plans.

18.4. Any documents required to be published must be forwarded to the Government Printing Office in the following format :

- Form: All Documents should be sent in Microsoft Word;
- Texts/tables: 17cm width, 25cm height;
- Texts for laws or regulations or orders that have side titles: A table should be created with two columns. The first column, for the side title, with width of 2cm and the second column, for the main text, with width of 15cm. Total width of the table should be 17cm and maximum height 25cm;

- Page size: page setup margins must be left and right 2cm, top and bottom 2.3 cm. Paper size must be A4 (21cm X 29.7cm), not letter style and settings must be set in centimetres not inches;
- Font size must be 9 and font must be Arial;
- There must be no text in bold or underline;
- Paragraph spacing must be 0.3pt before and 0pt after and line spacing must be single;
- Text must be justified;
- When the name of a Minister or member of the House of Representatives, District Officer, lawyer, Law Office is mentioned, it should be at the end of the text, the name must be in capital letters and the relevant title or position must be lower letters;
- Financial statements or annual reports or tables with names for compulsory acquisition or requisition, if they are not in Word form and they are available only in PDF form they should be sent in a clear copy.

It appears that documents are not always sent in the required format for the purposes of publication. In such cases, the Government Printing Office proceeds with the necessary editing to transform the text to the required publishable format. Only formatting amendments are performed without any impact on the context.

18.5. The final edited text of the law may only be published upon the approval of the general director of the Government Printing Office via qualified electronic signature .

18.6. The text of the publication is uploaded on Lotus Notes and the publication is made in PDF format. The Official Gazette is available on the official website of the Government Printing Office .

18.7. For facilitation of the publication, the documents may be forwarded either via fax or email. The recipient email addresses may vary depending on the responsible individual within the Printing Office for the specific section of the Official Gazette. It appears that in the cases where a matter is considered to be urgent, the responsible Ministry may contact the Government Printing Office by telephone to notify them of the urgency and the documents may even be provided on the night before the day of publication.

I. HARMONISING LAWS

19. Preliminary Considerations

19.1. As a member state of the EU the Republic is obliged to adopt all measures of national law necessary to implement legally binding EU acts which include EU Regulations, Directives and Decisions . The implementation measures for the legally binding EU acts can be either primary or secondary legislation.

19.2. The outline of the procedure of the enactment of harmonising legislation mirrors the procedure followed for national laws. Any identified differences are highlighted in the below analysis.

19.3. Additionally, due to differences in the implementation procedure between the three legally binding EU acts, all three procedures are described below and any variations between them are identified.

19.4. A detailed discussion on the drafting of harmonising legislation is provided in the Harmonising Guide.

20. Inception of Harmonising Bill

20.1. The need to introduce a harmonising Bill commences when a relevant legally binding EU act is issued in the official gazette of the EU.

20.2. Apart from the procedures described in (a) and (b) below, the Drafting Authority must follow the same principles set out in paragraph 1 above for national laws.

(a) Directives

20.3. Once a Directive is notified to the General Secretariat of European Affairs, the General Secretariat of European Affairs forwards a letter to the relevant Ministry, requesting that a responsible officer is appointed for the transposition. The Ministry writes to the EU Law Section of the Law Office, suggesting a transposition timeline and requesting the appointment of a relevant legal officer for consultation during the drafting of the harmonizing Bill. The Law Office responds appointing a relevant legal officer and agrees with or adjusts the proposed timeline. Such communication are also copied to the General Secretariat of European Affairs .

20.4. The agreed timeline for the transposition of a Directive depends on the transposition deadline provided by the relevant Directive and is as follows :

1st Stage	2nd Stage	3rd Stage	4th Stage	5th Stage	
Transposition Deadline	Drafting of bill and finalisation of public consultation			Legal	Vetting Decision of Council of Ministers and submission to the House of Representatives Discussion in parliamentary committee and plenary Publication
9 months	2.5 months	2.5 months	15 days at least	3 months prior to transposition deadline	
12 months	4 months	4 months	(unless need for immediate publication)		
15 months	7 months	4 months			
18 months	9 months	5 months			
21 months	11 months	6 months			
24 months	13 months	7 months			

20.5. It is possible for the transposition timeline to be different from the timeline set out in paragraph 21.4, subject to the request of the competent Ministry and the approval of the Law Office . Such communication must also be notified to General Secretariat of European Affairs.

20.6. Where the transposition deadline is less than six (6) months, there is no standard timeline and as such it is agreed between the relevant Ministry and the Law Office .

(b) EU Regulations and Decisions

20.7. EU Regulations and Decisions have direct effect on the Republic as an EU member state and unlike Directives, there is no need for their transposition into the national legal order.

20.8. For the better implementation of an EU Regulation or a Decision, there might be instances where it is necessary for an administrative authority to be created or appointed, or administrative, criminal fines or penalties to be introduced by a national legislative instrument for any breach of the provisions of the EU Regulation or a Decision.

20.9. In such instances, the relevant Ministry must communicate with the Law Office to define a deadline for the implementing measures. Unlike Directives, there is no agreed timeline for the adoption of the implementing measures. The exchange of letters and the agreement of a timeline must be notified to the General Secretariat of European Affairs .

21. Evaluation of Options

21.1. The procedure at this stage mirrors the procedure for national laws described in paragraph 2 above, except for the fact that the implementation of the legally binding EU acts must be facilitated either through primary or secondary legislation and not with other non-legally binding measures.

22. Drafting of Harmonising Bill

22.1. The procedure at this stage mirrors the procedure for national laws described in paragraph 3 above. Any additional considerations relevant for harmonising Bills are set out below.

22.2. The preamble of a harmonising Bill includes a reference to the fact that it is adopted for the better implementation and/or transposition of the relevant legally binding EU act. Where reference is made to a legally binding EU act in the text of a Bill, a note on the side cross references the publication made to the official gazette of the EU .

(a) Directives

22.3. Details about the structure and format a harmonising Bill must have when transposing a Directive and suggestions as to the wording, expression, and language to be used are described in great detail in Parts I and III of the Harmonising Guide and Part 3.4.4 of the Guidelines for the Drafting of National and Harmonising Legislation.

22.4. The harmonising Bill must include all relevant provisions of the Directive which impose obligations or provide rights to citizens whether verbatim or by paraphrasing, ensuring always that the meaning and possible interpretation is not altered.

22.5. A provision of a Directive may give the member states the discretion on how or whether, or to which degree they will need to implement it. The Drafting Authority must be in a position, as a matter of governmental policy, to decide whether and how the discretion will be exercised.

22.6. The Drafting Authority may introduce supplementary provisions to the harmonising Bill, to ensure its better implementation in the Cyprus legal order (appointment or creation of a responsible administrative authority or body), add any administrative or criminal provisions to

ensure compliance, and which repeal existing legal provisions which conflict with the provisions of the Directive.

22.7. The harmonising Bill may refer to the technical annexes of a Directive as amended, corrected or replaced from time to time in order to avoid the need to amend the law when such annexes are subsequently amended.

22.8. Not all of the provisions of a Directive must be copied in the harmonising Bill. For example, any provisions which make sense only in the context of the Directive, or relate to actions and procedures of EU bodies, or actions that the government must take which are not relevant for citizens (i.e. appointment of a responsible authority for providing the EU with certain information), or the preamble of the Directive, or its scope need not be included in the harmonising Bill.

22.9. The Drafting Authority must ensure that all relevant provisions of the Directive are transposed and supplemented with the harmonising Bill. This is recorded with the use of a Correlation Table which sets out clearly which of the provisions of the harmonising Bill correspond to the provisions of the Directive. Where a provision of the Directive is not transposed, a short explanation must be included.

22.10. As with national Bills, the harmonising Bill can be a new legislation or a legislation amending an existing and relevant with the Directive legislation.

(b) EU Regulations and Decisions

22.11. Details about the structure and format a harmonising Bill must have when adopting measures to better implement an EU Regulation or a Decision and suggestions as to the wording, expression, and language to be used are described in detail in Part I of the Harmonising Guide and Part 3.4.5 and 3.4.6 of the Guidelines for the Drafting of National and Harmonising Legislation.

22.12. The harmonising Bill must not copy the provisions of the EU Regulation or the Decision and must only include those provisions that are necessary for its better implementation into the national legal order. These will usually include the necessary administrative or criminal provisions.

22.13. The harmonising Bill may include an amendment or the repealing of any current national legal provision in conflict with the EU Regulation or the Decision.

22.14. As with national Bills, the harmonising Bill can be a new legislation or a legislation amending an existing and relevant with the EU Regulation or Decision legislation.

22.15. Additionally, the Implementation of Community Regulations and Community Decisions Law of 2007 (L.78/2007), provides an existing framework of administrative and penal provisions. By amending Annex I of the said law to include a reference to the relevant EU Regulation or Decision, the creation of criminal penalties and administrative fines and the identification of the relevant administrative authority can be achieved.

23. Public Consultation

23.1. The procedure at this stage mirrors the procedure for national laws described in paragraph 4 above.

24. Impact Assessment questionnaire

24.1. The procedure at this stage mirrors the procedure for national laws described in paragraph 5 above, except for the differences set out below.

24.2. Since an impact assessment procedure has already taken place with respect to the legally binding EU acts on an EU level, the impact assessment process for harmonising Bills is less burdensome. It is however necessary to be undertaken and be focused on the local impact the implementation of the legally binding EU acts will have. Also, it must focus on any additional national provisions to be adopted with the harmonising Bill which are over and above the provisions of the legally binding EU acts, a process commonly referred to as gold-plating .

24.3. A different questionnaire is completed with respect to harmonising Bills, i.e. Impact Assessment Questionnaire AA II, which covers, among others, the following main areas:

- 24.3.1. Transposition deadline and any measures against Cyprus in case of breach of transposition deadline;
- 24.3.2. Evaluation of alternative means of intervention;
- 24.3.3. Consultation (both between the governmental departments and public);
- 24.3.4. Financial impact, especially with respect to SMEs;
- 24.3.5. Social impact;
- 24.3.6. Impact to the public administration;
- 24.3.7. Environmental impact; and
- 24.3.8. Any gold plating provisions.

25. Submission of harmonising Bill for legal vetting

25.1. The procedure at this stage mirrors the procedure for national laws described in paragraph 6 above, except for the differences set out below.

25.2. Apart from all other accompanying documents, when the harmonising Bill transposes a Directive it must also be accompanied by a Correlation Table.

25.3. The timing of submitting the harmonising Bill is different to national Bills, as already discussed in paragraph 21 above. In case the transposition deadline of a Directive or the coming into effect of an EU Regulation or Decision is imminent or has already passed, priority is commonly provided to avoid any action taken against Cyprus on an EU level.

25.4. The email account for submitting the harmonising Bills and accompanying documentation is headeudep@eudep.law.gov.cy .

26. Legal Vetting

26.1. The procedure at this stage mirrors the procedure for national laws described in paragraph 7 above, except for the fact that the European Union Law Section is the responsible Section of the Law Office for the legal vetting procedure.

27. Submission to the Council of Ministers

27.1. The procedure at this stage mirrors the procedure for national laws described in paragraph 8 above, except for the fact that when the harmonising Bill transposes a Directive it must also be accompanied by a Correlation Table and reference must be made to any transposition deadline or the date on which an EU Regulation or Decision is coming into effect.

28. Review of Harmonising Bill by Council of Ministers

28.1. The procedure at this stage mirrors the procedure for national laws described in paragraph 9 above.

29. Procedure for the examination and voting of Harmonising Bills and accompanying documents to the House of Representatives for Introduction

29.1. Harmonising Bills are introduced by Ministers in accordance with the procedure for national Bills described in paragraph 10 above.

29.2. In addition to the documents which must accompany a national Bill upon its submission to the House of Representatives, as set out in paragraph 10.3, a harmonising Bill transposing a Directive must additionally be accompanied by a Correlation Table.

29.3. When submitting harmonising Bills, it is necessary to make a clear reference to the time limit for harmonisation with the European acquis in cases where the time limit provided for in the Directive has already expired (late legislative harmonisation). In these cases, the need for information on the following issues must be highlighted: (a) whether the European Commission has initiated infringement proceedings against the Republic of Cyprus (b) at what stage this procedure is in (first stage - letter of formal notice / second stage – reasoned opinion) (c) The final deadline for harmonisation – if any – given by the European Commission in the context of the infringement procedure. Furthermore, it is necessary to submit the content of the relevant correspondence to the House of Representatives.

29.4. In the cases where legislative harmonisation with the European acquis takes place under the procedure “EU Pilot”, it is proposed that the relevant correspondence between the European Commission and the competent authorities of the Republic be submitted to the House of Representatives so that the members of House of Representatives are fully informed about the EU's comments in relation to the proposed amendments.

30. Procedure from Introduction of the Harmonising Bill to the House of Representatives to Publication of Harmonising Bill to the Official Gazette

30.1. The stages followed between the Introduction of the harmonising Bill to the House of Representatives until its publication mirror those set out in paragraphs 11 to 19 above. Some additional considerations are set out below.

30.2. When the relevant Ministry receives the text of the harmonising Bill as it was voted into law by the House of Representatives, it needs to ensure that no amendments were made placing the law into conflict with the relevant legally binding EU act. If the harmonising law is transposing a Directive, the Ministry must also ensure that no mandatory transposition provisions were amended or deleted from the voted text of the harmonising Bill. If so, the competent Ministry must introduce a new harmonising Bill so that the House of

Representatives can vote those mandatory provisions into law. If the House of Representatives votes against the second harmonising Bill, the same harmonising Bill (without legal vetting) is approved by the Council of Ministers and is introduced again to the House of Representatives for voting.

30.3. If the transposition deadline has passed with respect to a Directive, the right of the President of the Republic to either return the law or refer it to the Supreme Court is usually avoided and any proposed amendments to the law are introduced with an amending Bill .

30.4. Following its publication in the Official Gazette, the harmonising law is forwarded to the General Secretariat of European Affairs so that the latter makes the necessary notifications using the electronic notification system to the relevant organs of the EU. If the harmonising law transposes a Directive, the final version of the relevant Correlation Table is also forwarded.

II. RATIFYING LAWS

31. Constitutional basis

31.1. In accordance with the Constitution:

31.1.1. every International Agreement with a foreign state or any international organisation relating to commercial matters, economic co-operation (including payments and credit) and *modus vivendi* shall be concluded under a decision of the Council of Ministers; and

31.1.2. any other International Agreement shall be negotiated and signed under a decision of the Council of Ministers and shall only be operative and binding on the Republic when approved by a law made by the House of Representatives whereupon it shall be concluded.

31.2. International Agreements concluded in accordance with the Constitution shall have, as from their publication in the Official Gazette of the Republic, superior force to any municipal law on condition that such treaties, conventions and agreements are applied by the other party thereto.

31.3. For the purposes of this Report, only International Agreements which require ratification by law prior to becoming operative and binding as per paragraph 32.1.2 above are examined. Further, the procedure below is described separately for bilateral, multilateral and mixed agreements.

32. Conclusion and ratification of bilateral International Agreements

32.1. The competent Ministry initiates research regarding the purpose and usefulness of the conclusion of an International Agreement, which is either proposed by the Republic or by another state or international organization.

32.2. The competent Ministry commences detailed drafting of the International Agreement, which must at least include the following:

32.2.1. Consultation with the Ministry of Finance for the purpose of identifying any potential financial costs that the conclusion of the agreement may entail;

32.2.2. Consultation with other Ministries which may have shared or part competence;

32.2.3. A review of whether any of the obligations to be assumed by the Republic are compatible or conflicting with the existing legislation of the Republic or with EU law, and whether for the compliance of the Republic with such obligations the implementation of complying measures, legislative or otherwise, is necessary.

32.3. The competent Ministry submits the draft International Agreement to the Law Office for a preliminary legal vetting, with specific legal questions that may arise on its text.

32.4. A decision for authorisation by the Council of Ministers for the negotiation of the International Agreement is made following a Proposal by the competent Ministry.

32.5. The competent Ministry proceeds to negotiate the International Agreement with the counterparty.

32.6. The final text of the International Agreement is submitted to the Law Office for legal vetting before its initialing. The initialing of an agreement forms a way of confirming the authenticity and finalisation of its text.

32.7. The International Agreement is initialed when the text of the agreement is agreed in principle and the legal vetting has been completed. Initialing is not a necessary step and may be omitted when the counterparty consents to it.

32.8. The competent Ministry has the responsibility of procuring the Greek text of the International Agreement which will be signed and ensuring that the Greek text is linguistically correct. As the case may be, the Greek text may constitute the original text of the International Agreement to be signed or in cases where, by exception, the International Agreement is not signed in Greek, the Greek text is still necessary for purposes of publication in the Official Gazette as an appendix to the ratifying law.

32.9. The competent Ministry submits a Proposal to the Council of Ministers for the approval of the final text of the International Agreement and for the authorisation of its signing. The decision of the Council of Ministers must also authorize the preparation by the competent Ministry of the relevant ratifying law which will be subsequently submitted to the Law Office for legal vetting. Where the approval for signature is granted, the Drafting Authority must ensure that it receives from the Secretariat of the Council of Ministers the relevant Decision granting such approval, or as a minimum, the number and date of the Decision as such must be included in the Explanatory Report.

32.10. The person authorised by the Council of Ministers to sign the International Agreement proceeds with its signature.

32.11. The Drafting Authority proceeds with the preparation of a ratifying Bill and of an Explanatory Report. Whilst preparing the relevant ratifying Bill, the Drafting Authority must examine whether there is a need for the enactment of provisions for the effective implementation of the International Agreement or the compliance of the Republic with the obligations it assumes therein.

32.12. Where the subject matter of the International Agreement and therefore the ratifying Bill does not fall within one of the categories set out in paragraph 4.1, then a public consultation must be carried out which shall mirror the procedure of national laws described in paragraph 4 above.

32.13. Where the ratifying Bill does not fall under one of the exceptions set out in paragraph 5.2, then the Drafting Authority must prepare an Impact Assessment questionnaire (by using Impact Assessment Questionnaire AA III. Ratification of International Conventions).

32.14. The Impact Assessment Questionnaire AA III covers, among other things, the following main areas:

- 32.14.1. Necessity and intention of legislative intervention;
- 32.14.2. Evaluation of alternative means of intervention;
- 32.14.3. Consultation (both between the governmental departments and public);
- 32.14.4. Financial impact for:
 - 32.14.4.1. Households and citizens;
 - 32.14.4.2. Undertakings;
 - 32.14.4.3. Economics of the Republic;
- 32.14.5. Societal impact; and
- 32.14.6. Environmental impact.

32.15. The draft ratifying Bill, the duly completed Impact Assessment Questionnaire AA – III and the draft Explanatory Report are sent in hard copy and electronic form to the Law Office for legal vetting, together with copies of the relevant decisions of the Council of Ministers authorising the negotiation and execution of the International Agreement or, as a minimum, the numbers and dates of the relevant decisions. Where there is no official Greek text of the International Agreement, the Greek translation thereof must also be sent to the Law Office. The Drafting Authority is responsible for the quality of the translation to Greek of the original text.

32.16. Following its legal vetting, a Proposal is submitted to the Council of Ministers in accordance with paragraph 8 above for the approval of the ratifying Bill and the authorization of its submission for Introduction to the House of Representatives.

33. Submission of ratifying Bill in connection to bilateral International Agreements and accompanying documents to the House of Representatives for Introduction

33.1. Upon approval of a ratifying Bill by the Council of Ministers, the ratifying Bill is submitted to the House of Representatives for Introduction.

33.2. In addition to the accompanying documents set out in paragraph 10.3, the following documents must be submitted:

- 33.2.1. the decision of the Council of Ministers approving the ratification Bill of the respective International Agreement;
- 33.2.2. a copy of the decision of the Council of Ministers authorising the signing of the International Agreement;
- 33.2.3. the final official International Agreement showing the signatures of the contracting states; and
- 33.2.4. the official Greek text of the International Agreement and where there is no such official Greek text, the Greek translation thereof.

33.3. Otherwise, ratifying Bills follow the same procedures as those set out in paragraphs 11 to 19.

33.4. Once the ratifying law is published in the Official Gazette, a notification is sent to the counterparty informing them of the fact that the required constitutional procedures have been completed. The conclusion of a bilateral International Agreement is carried out via the exchange of verbal communications with which the parties are informed of the conclusion of the internal legal procedures of each party. At the same time, the Law Commissioner, is also notified.

33.5. The competent Ministry must submit the original agreement to the Ministry of Foreign Affairs, which is the official depositary of International Agreements of the Republic.

33.6. The agreement must also be submitted to the United Nations in accordance with Article 102 of the Charter of the United Nations or any other international body as required.

33.7. Upon the submission of the International Agreement to the United Nations (and/or any other international body as required), the competent diplomatic mission must provide the Ministry of Foreign Affairs with a notification of official receipt. At the same time, the Law Commissioner is informed.

34. Conclusion and ratification of multilateral International Agreements

34.1. The competent Ministry initiates research regarding the purpose and usefulness of the conclusion of an International Agreement, which is either proposed by the Republic or by another state or international organization.

34.2. The competent Ministry commences a review of the International Agreement, which must at least include the following:

34.2.1. Consultation with the Ministry of Finance for the purpose of identifying any potential financial costs that the conclusion of the International Agreement may entail;

34.2.2. Consultation with other Ministries which may have shared or part competence;

34.2.3. A review of whether any of the obligations to be assumed by the Republic are compatible or conflicting with the existing legislation of the Republic or with EU law, and whether for the compliance of the Republic with such obligations the implementation of complying measures, legislative or otherwise, is necessary;

34.2.4. A check of whether the expression of 'reservations' is required by the Republic where the International Agreement so allows or of 'interpretative statements' or of 'objections' to reservations or statements of other parties.

34.3. The competent Ministry submits a Proposal to the Council of Ministers for authorization of signature of the International Agreement (usually it is a 'signature subject to ratification') and authorisation for the preparation by the competent Ministry of the relevant ratifying Bill.

34.4. The person authorised by the Council of Ministers to sign the agreement proceeds with its signature.

34.5. The procedure then follows the steps described in paragraphs 33.11 to 34.3. It should be noted that, at the stage of submission of the ratifying Bill to the Council of Ministers for authorisation of its submission to the House of Representatives, an additional authorisation must be procured by the Minister of Foreign Affairs for the submission of the ratifying or approval or accession document on behalf of the Republic, following its publication in the Official Gazette.

34.6. With the completion of the above stages, the document of ratification/accession/approval which renders the Republic a contracting party to the International Agreement is submitted to the relevant depositary.

34.7. The above-described procedure for multilateral International Agreements is applicable where a multilateral International Agreement is open to signature subject to ratification. Depending on the circumstances, the Republic may accede to an international Agreement after the period where the agreement remains open to signature. In these cases, all of the above steps are followed, except for the stages described in paragraphs 35.3 and 35.4. Instead at this stage, the competent Ministry must submit a Proposal to the Council of Ministers with which it requests its approval for the accession of the Republic to the agreement and authorisation for the preparation of a draft ratifying Bill.

34.8. In the case of amendments to the original agreement, the procedure for their incorporation into national law is the same as the procedure for the conclusion of the initial agreement.

35. Conclusion and ratification of mixed agreements

35.1. “Mixed agreements” are agreements containing provisions in areas with both exclusive and shared competences between the EU and member states and as such, the EU and the member states have joint ability to conclude an International Agreement with a third country or international organisation.

35.2. The commencement of the negotiation procedure follows the adoption of a decision by the EU Council authorising the European Commission to negotiate an agreement on behalf of the EU for the areas where the EU has exclusive competence and on behalf of the member states for the areas where the EU and the member states have shared competence or for those areas for which member states have exclusive competence.

35.3. The competent Ministry submits a Proposal to the Council of Ministers for approval of the final text of the agreement and for authorization of its signature. The decision must also authorise the preparation by the competent Ministry of the relevant ratifying Bill which will subsequently need to be submitted to the Law Office for legal vetting.

35.4. The person authorised by the Council of Ministers to sign the agreement proceeds with its signature.

35.5. The procedure then follows the steps described in paragraphs 33.11 to 34.3.

35.6. With the completion of the above stages, a notification is sent through the diplomatic channels, to the depositary of the agreement with which it is notified of the completion of the required constitutional procedures. At the same time, the Law Commissioner is informed.

III. PRIVATE BILLS

36. Legislative process regarding Private Bills introduced by Representatives

36.1. The right of Representatives to introduce Private Bills to the House of Representatives derives from Article 80 of the Constitution.

37. Drafting of a Private Bill

37.1. When Representative wish to introduce, either a Private Bill for the enactment of a new law or an amendment to an existing law, they contact the general director of the Parliamentary Committees Service by sending a relevant letter via email, who then refers the matter to the Clerk of the competent Committee of the House of Representatives which is competent to discuss the subject matter of the Private Bill for the purposes of preparation of a first draft of such Private Bill. The Representatives may contact the Clerk of the competent Committee directly and sometimes even orally without sending an email. It appears that it is the Clerks of each Committee of the House of Representatives who prepare the relevant documents, although there may be instances where experienced Representatives of the House of Representatives provide the Clerks with a first draft of the Private Bill to begin the process of vetting.

37.2. The Clerks start the research required for the purposes of drafting a first draft of the Private Bill. The Clerks use the Microsoft Word software for drafting purposes. As soon as a first draft is available (which draft has also gone through an initial legal vetting by the Clerk), the junior Clerk provides the senior Clerk with such draft for review, corrections, and amendments. It appears that the way the review is conducted is left to the discretion of each junior Clerk i.e. the junior Clerk may choose to print hard copies of the Private Bill so that the senior Clerk can make notes and amendments manually on paper and/or orally to the junior Clerk. The junior Clerk may alternatively choose to send it to the senior Clerk via Exchangemp so that the senior Clerk can make changes electronically. In any case, all versions which are reviewed and amended by the senior Clerks are archived on eOASIS, including hard-copies which are scanned and then archived. Final versions of the Private Bills are always signed by the senior Clerks.

37.3. The senior Clerk at this stage of the review performs the legal vetting, which appears to be highly based on the experience of such Senior Clerk. The House of Representatives for the purposes of enabling and facilitating the legal vetting of Private Bills, has recently established an internal Legal Department to, inter alia, assist and advise on the legality of Private Bills upon the request of the Clerks. It is left to the discretion of each Clerk to forward the draft of the Private Bill to the Legal Department for further review. It appears that the Legal Department does not usually participate in the process, instead due to the heavy workload of the House of Representatives, the majority of the members of the Legal Department are many times asked to perform the duties of the Clerks of the competent Committees as additional assistance is required.

37.4. The final draft of the Private Bill is agreed between the Clerks and the Representative who intends to introduce it to the House of Representatives.

37.5. Once the final version of the draft is agreed, the Clerks may forward the draft of the Private Bill to the department of Research, Studies and Publication Service for linguistic editing and processing, but only as regards large Private Bills which may be more complex. In cases of urgent Private Bills, this review may take place after the introduction of the Private Bill to the House of Representatives.

37.6. The draft Private Bill is always circulated with a cover letter called "Legal Vetting" which is signed in turn by all the parties who have reviewed it i.e. the junior Clerk, the senior Clerk, the Representative introducing it, the Department of Research, Studies and Publication Service, the President of the House of Representatives and at times the general director of the

House of Representatives. This has been established as a way to more easily recognise the status of each Private Bill.

37.7. The Clerks forward the draft Private Bill either in hardcopy or electronically via email to archives2@parliament.cy i.e. to the Archive Department for the purposes of the Chapter two of the agenda of the Plenary.

38.Submission of Private Bill and accompanying documents to the House of Representatives for Introduction

38.1. Following the preliminary work for the preparation of the Private Bill as described in paragraph 38, the Private Bill must be submitted to the House of Representatives for Introduction together with the Explanatory Report stating the objects and reasons of such Private Bill duly signed by the relevant Representative(s) introducing the Private Bill . The Explanatory Report is either prepared by the Clerks of the Committee or by the Representative introducing the Private Bill (and reviewed by the Clerks of the Committee).

38.2. It must be noted that no Private Bill relating to an increase in budgetary expenditure can be introduced by a Representative.

38.3. A submission of a Private Bill to the House of Representatives must be made at least twenty-four (24) hours before the commencement of the regular session of the Plenary of the House of Representatives during which the Private Bill is intended to be introduced . If such deadline is not met, the Private Bill is introduced on the following session of the Plenary .

38.4. Where a Private Bill is categorised as urgent, it must additionally be preceded by a written notification to the President of the House of Representatives by the Representative submitting it, containing the reasons which require the Private Bill to be categorised, and thus treated, as urgent. In rare circumstances, where justified by the nature and purpose of the Private Bill, such notification may be made orally .

39.Introduction of Private Bill to the House of Representatives

39.1. The introduction of a Private Bill follows the same process as described in paragraph 11 in connection to national laws.

40.Referral of Private Bills to the competent Committee(s)

40.1. The referral of a Private Bill to the competent Committee(s) follows the same process as described in paragraph 12 in connection to national laws.

40.2. It should be noted that Private Bills referred to a Committee may be withdrawn at any stage of the discussion following the submission of a written statement by its introducers to the President of the House of Representatives, in which the reasons for which it is deemed appropriate for it to be withdrawn are stated.

41.Summoning of stakeholders to sessions of the Committees

41.1. The summoning of stakeholders to sessions of the Committees follows the same procedure as the one described in paragraph 13.

41.2. In addition, to the stakeholders referenced in paragraph 13, the Representative who has introduced the Private Bill must attend the meeting of the Committee in person in order to support and elaborate on the Private Bill. In the case of a Representative's absence, they can be represented by another Representative of the same political party.

42. Subsequent stages in relation to Private Bills

42.1. The subsequent stages of a Private Bill follow the procedure described in paragraphs 14 (save for paragraphs 14.6 and 14.7) to 19. One differentiation with respect to Private Bills is that after they are to the Plenary for a vote with the Committee Report, they may be withdrawn with the submission of an oral statement by the introducers at a meeting of the Plenary, provided that the procedure has not proceeded to the discussion of the Private Bills in principle .

IV. NATIONAL REGULATIONS

43. Preliminary Considerations

43.1. Regulations are secondary legislation and are issued pursuant to specific provisions of a primary legislation authorising their issuance. The wording of such provisions varies with respect to which body has the right to issue the Regulations, specific conditions that need to be followed for the issuance of the Regulations (for example it might be necessary that a specified body or authority is officially consulted before the Regulations are issued), and whether the Regulations will need to be further approved before they are published.

43.2. As a general rule and unless provided otherwise in the relevant primary legislation, the right to make any Regulation for the carrying into effect of any law rests with the Council of Ministers . The task of preparation of Regulations concerning each Ministry for submission to the Council of Ministers rests with each Minister .

43.3. As with national laws, Deputy Ministers cannot directly submit Regulations to the Council of Ministers for approval. They are, however, responsible for all preparatory work with respect to Regulations and they must submit them to their assigned Ministry for all further formal stages of the procedure .

43.4. A law may also provide that Regulations are issued by other organs of the Republic . It may also provide that any Regulations issued are approved by the Council of Ministers or a responsible Minister or that there is no obligation for them to be submitted for further approval.

43.5. As there can be significant differences in the stages and actions that need to be taken for a Regulation to be drafted, issued, and published, the below analysis focuses on the procedure followed for Regulations issued by the Council of Ministers and Ministers. This procedure is similar and shares all stages followed with respect to national laws. Any differentiations will be pointed out in each of the steps.

43.6. For Regulations issued by any other organs of the Republic, it is not anticipated that the same procedures are followed and the Regulations they draft are not submitted to the Law Office for legal vetting. References as to the mandatory procedures and/or obligations to be followed by other organs of the Republic issuing Regulations will be pointed out in each of the steps.

44. Inception of Regulation

Issuing Authority: Council of Ministers and Ministers

44.1. The procedure at this stage mirrors the one followed for national laws described in paragraphs 1.2 and 1.3.

Issuing Authority: Other organs of the Republic

44.2. There is no prescribed procedure to be homogenously followed by all such Drafting Authorities. It is expected that the person entrusted with the drafting of the Regulation would be able to fully comprehend the necessity of and thinking behind the legislative intervention. The principles governing the Impact Assessment should underpin the process, but there is no need to complete and submit an Impact Assessment questionnaire.

45. Evaluation of Options

45.1. The procedure at this stage mirrors the one followed for national laws described in paragraph 2.

46. Drafting of Regulation

Issuing Authority: Council of Ministers and Ministers

46.1. The procedure at this stage mirrors the one followed for national laws described in paragraph 3.

46.2. Additional guidance as to the structure and format of the Regulations is provided in Part 3.4.3 of the Guidelines for the Drafting of National and Harmonising Legislation.

46.3. Some of the basic principles governing Regulations are the following:

46.3.1. Ultra Vires: No Regulation can be issued unless authority for such issuance is provided by a primary law. The provisions of a Regulation must not exceed the authorisation provided by a law or conflict with the authorising law or any other primary law in force .

46.3.2. Sub delegation: Unless expressly provided by the relevant primary law, the body authorised to issue a Regulation may not delegate the authorisation to another body .

46.3.3. Constitutional rights and freedoms: Any restriction of the constitutional rights and freedoms is only possible to the degree allowed by the Constitution. References in the Constitution to restrictions in accordance with the provisions of a law do not include restrictions introduced with Regulations, since law is defined in the Constitution to include only primary legislation . No restriction to the constitutional rights and freedoms can be included in a Regulation unless such restriction is already provided for by the authorising primary legislation.

46.3.4. Retroactivity: No Regulation may have retroactive effect, unless this is expressly provided by the authorising primary legislation .

46.3.5. Criminal liability/penalty: Unless the authorising primary legislation expressly provides that the Regulation may govern the maximum penalty imposed for breaches of the provisions of the Regulation, the maximum amount for such breaches cannot exceed £50 (€85) .

Issuing Authority: Other organs in the Republic

46.4. The procedure at this stage mirrors the one followed for national laws, described in paragraph 3 above, except from the references with respect to outsourcing the drafting to the Regulation to the Law Office (paragraph 3.2).

46.5. The same format and principles set out in paragraphs 47.2 and 47.3 above are also applicable.

47. Public Consultation

47.1. The procedure at this stage mirrors the one followed for national laws, described in paragraph 4.

48. Impact Assessment questionnaire

Issuing Authority: Council of Ministers and Ministers

48.1. The procedure at this stage mirrors the one followed for national laws described in paragraph 5.

Issuing Authority: Other organs in the Republic

48.2. The completion and submission of an Impact Assessment questionnaire does not appear to be necessary for Regulations issued by these Drafting Authorities.

49. Submission of Regulation for legal vetting

Issuing Authority: Council of Ministers and Ministers

49.1. The procedure at this stage mirrors the one followed for national laws described in paragraph 6 above, except for references to the Explanatory Report which is not necessary for Regulations.

Issuing Authority: Other organs in the Republic

49.2. As the Regulations prepared by such Drafting Authorities are not submitted for legal vetting to the Law Office of the Republic, this stage of the procedure does not correspond to the one described for national laws.

49.3. The Drafting Authorities should nevertheless ensure that the text of the Regulation is reviewed by their legal adviser and/or department.

49.4. It will also be necessary that the written assessment as to the compatibility of the Regulation with human rights mentioned in paragraph 6.3 with respect to national laws is in place. It must also be submitted to the approving authority (if submission to such authority is necessary as per the authorising primary legislation).

49.5. As with national Bills (paragraph 6.6), it is recommended that amendments to existing Regulations are made in an organised fashion and on the basis of yearly schedule.

50. Legal Vetting

Issuing Authority: Council of Ministers and Ministers

50.1. The procedure at this stage mirrors the one followed for national laws described in paragraph 7 above, except for references to the Explanatory Report which is not necessary for Regulations.

Issuing Authority: Other organs in the Republic

50.2. As the Regulations prepared by such Drafting Authorities are not submitted for legal vetting to the Law Office of the Republic, this stage of the procedure does not correspond to the one described for national laws.

51. Submission of Regulation to Council of Ministers or other approving authority

Issuing Authority: Council of Ministers and Ministers

51.1. If the issuing authority prescribed by the authorising primary legislation is the Council of Ministers, the procedure at this stage mirrors the one followed for national laws, described in paragraph 8 above, except for the differences which are set out below.

51.2. The Proposal does not need to attach an Explanatory Report since this document is not prepared for Regulations.

51.3. Unlike the operative part of the Proposal for national Bills, the operative part of the Proposal for Regulations will not necessarily include a request for authorisation to submit the Regulation to the House of Representatives. The operative part of the Proposal must include a reference as to whether they are exempt from the obligation to be submitted and approved by the House of Representatives. There are certain exceptions from the obligation to submit the Regulation for approval by the House of Representatives, as follows :

51.3.1. Regulations submitted by municipal councils, in accordance with the Municipalities Law of 1985(L.111/1985);

51.3.2. Regulations submitted by community councils, in accordance with the Communities Law of 1999 (L.86/1989);

51.3.3. Regulations submitted by the waterboard councils in accordance with the Waterboard (Municipal and other Areas) Law;

51.3.4. Regulations submitted by the Council of the Cyprus Bar Association, in accordance with article 26 of the Advocates Law, Cap.2; and

51.3.5. Regulations of the Council of Ministers, in accordance with article 27 of the Advocates Law, Cap.2.

If a Regulation is exempt from the obligation to be approved by the House of Representatives, the operative part of the Proposal must include an authorisation for its publication.

51.4. For Regulations intending to amend existing service plans, the draft Regulation submitted for approval must indicate with bold any changes introduced in comparison to the existing service plan and to the existing service plan the changes (additions/removals) must be highlighted .

51.5. No Regulation shall be submitted for approval, unless the authorising primary legislation (and the relevant authorising provision) has come into effect . The only exception is when the authorising primary legislation which has already been voted and published but has yet to come into force, does not prohibit such issuance and it is necessary or expedient for such Regulation to be issued . Such Regulation will nevertheless not come into effect prior to the coming of effect of the authorising primary legislation.

Issuing Authority: Other organs in the Republic

(a) Approving Authority: Council of Ministers

51.6. If the approving authority prescribed by the authorising primary legislation is the Council of Ministers, the procedure at this stage mirrors the one followed for national laws, described in paragraph 8 above, except for the differences set out below.

51.7. The differences set out in paragraphs 52.2, 52.4, 52.5 above, apply for these types of Regulations as well.

51.8. Unless the authorising primary legislation expressly provides that the Regulations must be submitted to the House of Representatives for approval, the operative part of the Proposal for Regulations must not include a request for authorisation to submit the Regulation to the House of Representatives. It must however include an authorisation for its publication.

(b) Approving Authority: Minister

51.9. If in accordance with the authorising primary legislation, the Regulation is approved by a Minister and there is no express obligation for the Regulation to be approved by the Council of Ministers, the procedure followed differentiates as described below.

51.10. Once the drafting and reviewing of the Regulation is finalised by the relevant Drafting Authority, it is submitted to the relevant Ministry for approval.

51.11. The same restrictions and exceptions with respect to approval of Regulations before the authorising primary legislation comes into effect set out in paragraph 52.5 above apply.

51.12. Before deciding on the submitted Regulation, a Minister may request the input of the Law Office as to the compliance of the Regulation with the legal order. If the Minister has no comments or wishes no amendments to the Regulations, the Minister may approve the Regulation and revert with such approval to the relevant issuing authority which will then arrange for its publication, as per paragraph 56 below.

51.13. Alternatively, the Ministry will inform the issuing authority of its suggested amendments. The issuing authority has the following options:

51.13.1. Withdraw the submitted Regulations, and re-issue such Regulations amended in accordance with the suggestions of the Ministry.

51.13.2. Withdraw the submitted Regulations and not re-issue amended Regulations for approval.

51.13.3. Not withdraw the submitted Regulations and request that they are approved as submitted. If not approved, the Regulations will not come into force .

If a Regulation is approved following the above procedure, the approval is communicated to the relevant issuing authority which will then arrange for its publication, as per paragraph 56 below.

(c) No Approving Authority

51.14. If the authorising primary legislation does not require that the Regulation is approved by an approving authority, the Drafting Authority may proceed with its publication in accordance with paragraph 56 below.

52. Review of Regulation by Council of Ministers

Issuing Authority: Council of Ministers and Ministers

52.1. The procedure at this stage mirrors the one followed for national laws, described in paragraph 9 above, except for references to the submission to the House of Representatives which are not relevant if the Regulations are exempt from such approval requirement, as per clause 52.3 above.

52.2. Where there is no obligation to submit the Regulation for approval by the House of Representatives, the Council of Ministers in its decision authorises the relevant Minister to publish the approved Regulation, who in turn arranges for its publication, as per paragraph 56 below.

Issuing Authority: Other organs of the Republic

52.3. If the approving authority prescribed by the authorising primary legislation is the Council of Ministers, the procedure at this stage mirrors the one followed for national laws described in paragraph 9 above, except for the differences set out below.

52.4. References for submission of the Regulations to the House of Representatives are not relevant, unless the authorising primary legislation expressly provides that the Regulations must be submitted to the House of Representatives for approval, as per paragraph 52.8 above.

52.5. Before deciding on the submitted Regulation, the Council of Ministers may request the input of the Law Office as to the compliance of the Regulation with the legal order. If the Council of Ministers has no comments or wishes no amendments to the Regulations, it may approve the Regulation and authorise its publication. The decision of the Council of Ministers will be available to the submitting Ministry as per paragraphs 9.6 and 9.7 above. The Ministry will then forward it to the issuing authority which will then arrange for its publication, as per paragraph 56 below.

52.6. Alternatively, the Council of Ministers will inform the submitting Ministry (which will then in turn inform the issuing authority) of its suggested amendments. The issuing authority has the following options:

52.6.1. Withdraw the submitted Regulations, and re-issue such Regulations amended in accordance with the suggestions of the Council of Ministers.

52.6.2. Withdraw the submitted Regulations and not re-issue amended Regulations for approval.

52.6.3. Not withdraw the submitted Regulations and request that they are approved as submitted. If not approved, the Regulations will not come into force .

If a Regulation is approved following the above procedure, the approval is communicated as per paragraph 53.5 above.

53.Submission of Regulations and accompanying documents to the House of Representatives for Introduction and referral to the competent Committee(s)

53.1. Regulations submitted for Introduction must be accompanied by the following documents:

53.1.1. Recommendation Report;

53.1.2. Proposal to the Council of Ministers (unless Regulation is issued directly by the Minister or other issuing authority without the need to be approved by the Council of Ministers);

53.1.3. Relevant decision of the Council of Ministers (unless Regulation is issued directly by the Minister or other issuing authority without the need to be approved by the Council of Ministers);

53.1.4. Duly completed Impact Assessment questionnaire (except in circumstances where the Regulations in question are exempt from the requirement to carry out an impact assessment).

53.2. All Regulations submitted to the House of Representatives must include a Preposition in the body of the text in order to facilitate their publication once they are approved.

53.3. Regulations duly submitted to the House of Representatives are referred by the President of the House of Representatives to the competent Committee.

54.Examination of Regulations by the Committee and voting by the Plenary

54.1. The competent Committee proceeds the soonest with the examination of the Regulations and any subsequent procedure must follow as closely as possible the stages followed for national laws described in paragraphs 13 to 17 above. The Committee Report is prepared in accordance with the contents described in paragraph 15.3 containing the provision of the law authorizing them to be issued. Due to the different legal nature and characteristics of the Regulations, there are some differences as to the procedure followed which are noted below.

54.2. Unlike the procedure followed for national Bills, if within sixty (60) days of submission of the Regulation to the House of Representatives, the House of Representatives does not amend or void the Regulation, whether wholly or partly, the Regulation must be published in the Official Gazette and come into force on the date of publication. If the Regulations are amended, whether wholly or partly, they are published as amended and come into force on the date of publication. The exception to this rule is when the authorising primary legislation does not provide for approval by the House of Representatives within a certain deadline .

54.3. Unless the House of Representatives decides otherwise, the relevant Minister must within fifteen (15) days of receipt of the Regulations publish them in the Official Gazette . Unlike the procedure followed for national Bills, the Regulations are not forwarded to the Deputy Minister to the President for approval, as the President does not have the same executive powers described in paragraph 18.2 with respect to Regulations.

55. Publication by the Government Printing Office

55.1. The coordination for the publication of the Regulations is made between the Government Printing Office and the relevant Ministry or other issuing authority.

55.2. Regulations need to follow the format set out in paragraph 19.4 above, and they are published in Part I of the Third Annex of the Official Gazette, as per the procedure described in paragraphs 19.5 to 19.7 above.

55.3. Unless otherwise provided, the Regulations come into force on the date of their publication in the Official Gazette