

Contribution of Cyprus for the Annual Rule of Law Evaluation Report- 2024

1. Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the justice system (if applicable)

Contribution from the Legal Service: As regards the independence and accountability of the Prosecution Service, the bill for the independence and full autonomy of all prosecutors as well as the other law officers and other non-legal staff of the Law Office of the Republic is pending before the House of Representatives for discussion.

It should be noted that, Greco, in the most recent Second Addendum to the Second Compliance Report on Cyprus published on 9/1/24 taking into account the contents of the said bill and the progress made, concluded that as regards the recommendation concerning the strengthening of the independence of the prosecutorial functions and the capacity of the individual law officers and prosecutors to conduct their duties in a more autonomous way, compliance of Cyprus has been elevated to “partly implemented” rather than “non implemented” which was the status up until then. Greco further noted that “It welcomes the draft law which is currently before Parliament.” It commented that the said bill, a preliminary copy of which they have currently received by the Cypriot authorities, for reasons of assessment of compliance with the said Recommendation, would benefit from additional refinement to enhance autonomy of the individual prosecutors “guided by the safeguards necessary under the rule of law”, matters which have been dealt with by the Attorney General’s Office in the recent review of the Code of Conduct of Public Prosecutors mentioned below. In its latest report, Greco finally concludes as follows: “GRECO calls on the authorities to deal with the planned reform of the Law Office of the Republic without delay.”

As regards the part of the commendation that concerns the reviewing of the decisions of the Attorney General not to prosecute or to discontinue proceedings, the Attorney General has instructed a team of law officers, mainly prosecutors, to study the matter and propose a review procedure, taking into account the models existing in other common law countries but having due regard to the rigid provisions of the Cyprus Constitution.

Taking into account the restrictions posed by the Constitution, the team is in the process of proposing a procedure of internal review whereby every complainant with a legitimate interest will have the opportunity to seek review of the decision taken at first instance. At the review stage the decision taken will be examined anew by a group of law officers appointed by the Attorney General.

Once this review procedure is finalized, it will be announced to the public and of course it

will be communicated to the European Commission.

Regardless of the above, as well as the fact that the pertinent Recommendation relating to the discontinuance of criminal cases in Greco's relevant Fourth Round Evaluation Report on Cyprus was implemented satisfactorily, it should be stressed that the Attorney General's Office has always been examining applications for review as a matter of practice, although it fully agrees that a formal and structured procedure that will be announced to the public will enhance transparency.

Lastly, the Attorney General's Office is in the process of revising the Code of Conduct of Public Prosecutors who deal with criminal cases on behalf of the Attorney General, taking into account European and UN standards. As stated above, these amendments will enhance the autonomy and independence of prosecutors. Once the revision of the Code is finalized, it will be announced to the public and of course it will be communicated to the European Commission

A. Independence

2. Appointment and selection of judges¹, prosecutors and court presidents (incl. judicial review)

Contribution from the legal Service: Despite the fact that a significant number of positions have been filled so far, 40 vacant organic positions remain to be filled. This number refers to positions of first appointment, first appointment and promotion, which were either vacated due to retirement /resignation or promotion of their predecessors or were created with the budget, these 36 are forwarded for appointment in the current time period, on the basis of a plan drawn up and approved by the Legal Service Administration with the procedures relating to:

- I. 6 Permanent positions of Senior Counsels of the Republic (first appointment-promotion)
- II. 12 Permanent positions of Counsels of the Republic (first entry positions)
- III. 3 Permanent positions of Counsels of the Republic (first entry positions)
- IV. 11 Permanent positions of Counsels of the Republic of which 1 position has been released by the House of Representatives and will be forwarded to the Public Service Commission for appointment.
- V. 4 Permanent MOKAS (FIU) officers' positions (first entry positions).

The above-mentioned positions are expected to be filled within 2024.

The above posts will be filled after following the relevant procedure by the Public Service Committee.

Contribution from the Supreme Court: Commencing on July 1, 2023, the Supreme Council of

¹ The reference to 'judges' concerns judges at all level and types of courts as well as judges at constitutional courts.

the Judiciary (SCJ) became operational, exclusively entrusted with responsibilities that encompass the appointment, promotion, transfer, termination of service, dismissal, and disciplinary actions concerning judges of the Court of Appeal and judges of the courts of first instance. The SCJ consists of the Members of the Supreme Court. The Attorney General, the President of the Cyprus Bar Association and two lawyers of recognized standing may participate without the right to vote.

To be eligible for the position of District Judge, one must be a registered advocate with six years of practice in the legal profession and must demonstrate high moral standing. For an appointment to the post of President of the District Court, a candidate must be an advocate with a minimum of 10 years of practice, including service in any judicial post, and must uphold a high moral standard.

Review of Decisions: Upon receiving a complaint from any affected party, the decisions of the SCJ are subject to review by the Supreme Constitutional Court. In such instances, the Supreme Constitutional Court serves as an appellate body for judiciary matters, reviewing decisions made by the SCJ. It is essential to note that, until the Supreme Constitutional Court issues a decision, the rulings of the Supreme Council of the Judiciary are suspended.

Procedural Regulation by the Supreme Court: On November 15, 2023, the Supreme Court of Cyprus issued the Procedural Regulation outlining the procedure and criteria for the appointment of judges by the SCJ.

Procedure and Criteria for Appointment of Judges:

First Stage of Proclamation:

- The SCJ announces vacancies in the Judicial Service based on the needs of the courts.
- The notice, specifying the number of vacant posts and the courts with available positions, is published in the Government Gazette, on the Supreme Court's website, and on boards of the District Courts.
- Interested individuals are invited to submit applications within a specified timeframe.
- **Stage II of Application Submission:**
- Candidates submit applications to the Administrative President of the District Court where they practice.
- The application includes Curriculum Vitae, a solemn declaration regarding any previous or pending cases involving the candidate, a brief self-description, and the most significant judicial decisions in which the candidate was involved.
- Applications lacking the specified requirements are not accepted.

Stage III Recommendations:

- The Administrative President compiles a list of candidates, forwarding it to the Secretariat of the SCJ.

- The list is sent to the President of the Court of Appeal and all Administrative Presidents of District Courts and Courts of Special Jurisdiction for their input.
- Local Bar Associations and, for Legal Service candidates, the Attorney General, may also provide views.
- The SCJ may seek additional views if necessary.

Stage IV Preliminary Examination by the SCJ:

- Candidates failing to meet legal requirements are informed and given an opportunity to respond in writing.
- Exclusion or re-examination of a candidacy may occur based on written or oral evidence. Candidates are notified and given a chance to respond before a decision is made.
- Disciplinary offenses and behaviour inconsistent with professional standards are considered during the final evaluation.

Stage V Calling Candidates for First Interview:

- The SCJ invites eligible candidates for a first interview, assessing personality, legal knowledge, analytical skills, and other criteria.
- Candidates with an absolute majority of votes proceed to the shortlist for a second interview.

Stage VI Call of Candidates in a Second Interview:

- Candidates on the shortlist undergo a second interview, evaluating deeper legal thinking, knowledge of jurisprudence, independence, communication skills, and other attributes.
- The candidate(s) with an absolute majority of votes are selected for appointment.

Stage VII Announcement of Results and Appointment:

- The SCJ prepares a ranked list of suitable candidates, publicly announcing the results on its website.
- Selected candidates receive letters of appointment. In case of non-acceptance, the next candidate in the ranking order is offered the appointment.

General: For matters not explicitly addressed in the above procedures, the Supreme Council of the Judiciary retains the authority to implement similar arrangements and make decisions deemed necessary to facilitate the appointment process.

3. Irremovability of judges; including transfers (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)

Contribution from the Supreme Court: As explained above, the Supreme Council of Judicature (SCJ) is exclusively competent for all matters related to the judiciary, encompassing the appointment, mobility, transfers, dismissal, and retirement of judges.

District Court Judges are assigned to one of the six (6) District Courts of Cyprus, with the Kyrenia District Court, affected by the 1974 Turkish invasion, being replaced by the Nicosia District Court. Their jurisdiction includes civil cases originating within the District's limits or where the defendant resides or conducts business, as well as criminal cases subject to summary trial with penalties not exceeding five (5) years of imprisonment or a €85,000 fine, or both.

Additionally, District Court Judges may serve in Assize Courts, responsible for hearing criminal offenses, and their assignments rotate among different District Courts or Assize Courts within various districts, as determined by the SCJ for a specified term. Administrative Court Judges, situated in Nicosia without regional counterparts, hold permanent positions equivalent to District Court Presidents and Senior District Judges. Transfers between these roles are subject to completion of at least five (5) years in the Administrative Court.

Supreme Court Justices serve until reaching the age of sixty-eight (68). In 2022, the President of Cyprus sought the Supreme Court's opinion on a 2022 Amendment to Law 114(1)/2007, titled "Control of the Take-Up of Employment in the Private Sector by Former State Officials and Certain Former Officials of the Public Sector." The core issue was whether the inclusion of judges within the scope of this 2022 Amendment violated a constitutional provision shielding judges from adverse changes in their remuneration and service conditions following their appointments. The Supreme Court highlighted that the legislative amendment does not alter the fundamental terms of judicial service, including independence, impartiality, and irremovability.

On the contrary, the contested legislative amendment introduced an additional safeguard to further uphold judicial integrity, an inherent value of the judicial function. This measure was deemed consistent with judicial ethics, extending its validity to retired judges as well. Specifically, the constitutional Article, along with the rest of the Treaty and the Charter, in conjunction with the firmly embedded doctrine of the separation of powers, establishes a prohibition against adverse changes in the terms of service for judges following their appointment. This provision aimed to secure the independence of judges from any interference by either the executive or legislative branches of government. The same rationale applied to the inclusion of the Attorney General and Deputy Attorney General in the relevant provisions. Furthermore, it was contended that the term "retired" inherently

implied departure from active service, thus distinguishing it from considerations related to pensions and associated benefits. The entitlement to pensions and benefits was progressively structured throughout the period of service, and beneficiaries exercised these rights upon retirement. In this context, the matter at hand pertained to an “employment condition” safeguarded by the prohibition in Article 158.3. It was further noted that there was already an obligation concerning retired judges, which was derived from the Legislation. Specifically, section 12 of the Advocates Law, Chapter 2, contained provisions that prevented individuals holding a judicial office from appearing before any court for a one-year period after retiring from that office. Considering all these factors, the Plenary of the Supreme Court has rendered the opinion that the contested Law does not contravene the Constitution, the Treaty, the Charter, or the doctrine of the separation of powers.

4. ***Promotion of judges and prosecutors (incl. judicial review).***

Contribution from the Legal Service: see input for the Questionnaire 2023

Contribution from the Supreme Court: On the 15th of November 2023 the Supreme Court of Cyprus Issued the Procedural Regulation outlining the procedure and criteria for the appointment or promotion to the position of the President of the District Court, Senior District Court Judge and President of a Special Jurisdiction Court.

First Stage of Proclamation:

- The SCJ announces vacancies in the Judicial Service based on the needs of the courts.
- The notice, specifying the number of vacant posts and the courts with available positions, is published in the Government Gazette, on the Supreme Court's website, and on boards of the District Courts. It is also transmitted in electronic form to the President of the Appeal Court, the Presidents of the District Courts and to the Cyprus Bar Association.
- Interested individuals are invited to submit applications within a specified timeframe.

Stage II of Application Submission:

- If a judge is interested in applying for the position, he/ she must submit to the secretariat of the SCJ a Curriculum Vitae, a brief description of his judicial work and the ten most important judgments he/she has delivered.
- If a Lawyer is interested, he/she must submit to the Secretariat of the SCJ a Curriculum Vitae, a solemn declaration regarding any previous or pending cases (criminal, disciplinary or civil) involving the candidate, a brief self-description, and the 10 most significant judicial decisions in which the candidate was involved.
- Applications lacking the specified requirements are not accepted.

Stage III Recommendations:

- The Secretariat of the SCJ forwards the list of candidates to the President and Members of the Court of Appeal and all Administrative Presidents of District Courts and Courts of Special Jurisdiction for their input.
- The list is also sent to the President of the Bar Association and the Attorney General for their views, which are of a consultative nature only.

Stage IV Preliminary Examination by the SCJ:

- Candidates failing to meet legal requirements are informed and given an opportunity to respond in writing.
- Exclusion or re-examination of a candidacy may occur based on written or oral evidence. Candidates are notified and given a chance to respond before a decision is made.
- Disciplinary offenses and behaviour inconsistent with professional standards are considered during the final evaluation.

Stage V Calling Candidates for First Interview:

- The SCJ invites eligible candidates for a first interview, assessing personality, legal knowledge, analytical skills, and other criteria.
- Candidates with an absolute majority of votes proceed to the shortlist for a second interview.

Stage VI Call of Candidates in a Second Interview:

- Candidates on the shortlist undergo a second interview, evaluating deeper legal thinking, knowledge of jurisprudence, independence, communication skills, and other attributes.
- The candidate(s) with an absolute majority of votes are selected for appointment.

Stage VII Announcement of Results and Appointment:

- The SCJ prepares a ranked list of suitable candidates, publicly announcing the results on its website.
- Selected candidates receive letters of appointment. In case of non-acceptance, the next candidate in the ranking order is offered the appointment.

5. Allocation of cases in courts

Contribution from the Supreme Court: The Cypriot courts employ a scale allocation system wherein cases are assigned based on the value of the claim.

District Courts hold jurisdiction to hear civil cases at first instance, where the cause of action has arisen wholly or in part within the district's limits, or where the defendant resides or conducts business within that district. The president of the District Court can preside over any case, a senior District Court Judge can adjudicate a case with a claim not exceeding (€500,000.00), and a district court judge can try a case where the subject matter of the claim does not exceed €100,000.

However, a senior district judge has jurisdiction to hear and decide on cases involving accidents or damages resulting from a requisition order, or if the case pertains to a bond obtained between 2008 and March 2013, irrespective of the amount of the claim. District Court judges also have jurisdiction to handle summarily, at first instance, offences punishable with imprisonment for a term not exceeding five years or with a fine not exceeding €85,000, or both. The Assize Courts possess unlimited jurisdiction to adjudicate, at first instance, all criminal offences punishable under the Criminal Code or any other law, with the authority to impose the maximum sentence stipulated by the relevant law.

The registrars on a rotation basis perform the allocation of cases.

As a result of the re-establishment of the Supreme Court and the Supreme Constitutional Court, Appeals submitted after 2017 will be directed to the new Court of Appeal, while those filed between 2013 and 2017 will be adjudicated by the new Supreme Court for civil and criminal appeals, and by the Supreme Constitutional Court for revisional appeals.

6. Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

Contribution from the Supreme Court: The composition of the SCJ was extended to include non-judicial members, without though any voting powers regarding the appointment and promotion of judges, enhancing in this respect its transparency and its democratic legitimacy avoiding at the same time various issues of constitutionality.

It is constituted with the President of the Supreme Court serving as the President and the other Judges of the Supreme Court as its members.

During any session of the SJC addressing the appointment, promotion, or transfer of a Judge of the Court of Appeal or a court of first instance, the following individuals may participate without the right to vote:

- The Attorney General of the Republic, or in the event of his absence or temporary incapacity, the Assistant Prosecutor-General of the Republic.
- The President of the Cyprus Bar Association, or in the event of his absence or temporary incapacity, the Vice-President of the Cyprus Bar Association.
- Two (2) lawyers of recognized standing and the highest professional level, possessing qualifications for appointment as judges of the Supreme Court. These lawyers are appointed based on the recommendation of the Cyprus Bar Association and require approval from the Supreme Court.

It is important to note that, in cases related to the transfer or exercise of disciplinary authority over a judge of the Court of Appeal or a court of first instance, neither the Attorney

General of the Republic, nor the President of the Cyprus Bar Association, nor the appointed lawyers shall be present.

The Supreme Council of the Judiciary attains quorum with the participation of five (5) members, including the President or the presiding judge. Even in the event of a vacancy in any of its members' posts, the Supreme Council of the Judiciary is considered duly constituted.

If any affected person lodges a complaint, **the decision of the S CJ is subject to review** by the Supreme Constitutional Court. In such cases, the Supreme Constitutional Court acts as an appeal council for the judiciary, conducting a comprehensive review of the decisions made by the SCJ.

The appointment of Supreme Court Judges in Cyprus is vested in the President of the Republic, following the 1960 Constitution. As a convention, all Presidents traditionally consulted with the Supreme Court Judges before making such appointments. This convention is now codified in recent legislative reforms with the establishment of the **Advisory Judicial Council (AJC), positively acknowledged by the Venice Commission.**

The AJC comprises of the President of the Supreme Constitutional Court or the Supreme Court, along with the Judges from the respective Courts, serving as Members. Additionally, the Attorney General, the President of the CBA, and two qualified lawyers (without voting rights) are part of the AJC, enhancing its democratic legitimacy.

The introduction of this new system has enhanced the appointment process, further contributing to the depoliticization and effectiveness of the Judiciary in Cyprus. By formalizing the consultation process and involving a diverse group of stakeholders, the Advisory Judicial Council reinforces transparency, accountability, and the merit-based approach to appointing Supreme Court

7. Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)

Contribution from the Supreme Court: The accountability of judges is a critical aspect of maintaining public trust and upholding the integrity of the judicial system. Several mechanisms ensure accountability, covering disciplinary regimes, ethical rules, judicial immunity, and potential criminal or civil liabilities, where applicable.

Under the *Procedural Rules on the Exercise of the Disciplinary Powers of the Supreme Council*

of *Judicature of 2023*, any Judicial Officer (Court of Appeal or lower court Judge) may be subjected to disciplinary proceedings where he/she may have become incapable, displayed inappropriate conduct or committed a disciplinary offence.

As defined under section 2 of the aforesaid Procedural Rules, the term “disciplinary offence” includes the refusal, omission or deviation in performance of judicial duties and, in general, any unacceptable conduct, as well as a severe breach of the provisions of the *Guide on Judicial Conduct*.

The Supreme Council of Judicature (the ‘Council’) is composed of the Judges of the Supreme Court and is responsible *inter alia* for the discipline of judges.

The 2023 Procedural Rules set out in detail the procedure followed by the Council in the exercise of its disciplinary powers, which essentially consists of three main stages:

i) The Preliminary Examination (sections 3-5): When it comes to the notice of the Supreme Court in the exercise of its disciplinary competence, or following a complaint in regard to a Judicial Officer, the Court notifies the latter on the matter and sets a time-limit in order for the Judicial Officer to submit his/her views.

ii) Conducting an Investigation (sections 6-13): If the Court considers that an investigation is justified, it proceeds by appointing an Investigating Judge who takes statements and collects evidence according to the Rules.

iii) Trial before the Supreme Council of Judicature (sections 14-27): If the Investigating Judge considers it justified, a charge sheet or a report is drawn up (depending on the circumstance) and the Judicial Officer under investigation is referred to the Council to decide on the matter. The trial process is of a judicial nature and is carried out as a criminal trial, *mutatis mutandis*. The Attorney General of the Republic presents the case before the Council against the Judicial Officer under trial.

After the conclusion of the hearing the Council issues its decision, and in the event of a finding of guilt or incapability of the Judicial Officer, appropriate disciplinary penalties are imposed accordingly.

The affected Judicial Officer has the right to file an Objection against the Council’s decision before the Second Instance Council of Judicature, which consists of the Judges of the Supreme Constitutional Court.

The Supreme Court has taken a proactive stance by issuing a Guide for Judicial Conduct and establishing a committee to monitor international developments in **judicial ethics**, with the

aim of suggesting improvements to the Guide. Additionally, both the SCC and the SC have jointly issued an Asset Declaration Regulation, which addresses matters related to the disclosure of assets by all judges.

8. Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information

Contribution from the Legal Service: see input for the RoL Questionnaire 2023.

Contribution from the Supreme Court:

Judges

Salaries for Supreme Court Judges and Supreme Constitutional Court Judges are governed by the Courts of Justice Law 14/60, amounting to €148,408 plus an allowance of €18,000.

Appeal Court Judges: The salaries of Appeal Court Judges are outlined in the Administration of Justice Law (L.33-64). Presently, the salary is set at €131,024 plus an allowance of €18,000.

District Court Judges: The terms of service for District Court Judges are stipulated in the Courts of Justice Law, (L 14/60):

- District Court President: 113,643 plus an allowance of €18,000.
- Senior District Court Judge: €109,167.
- District Court Judge: €83,493 (for newly appointed judges) - €98,894.

Court Staff:

- Chief Registrar (provided in the Courts of Justice Law (L. 14/60).
- Assistant/Deputy Chief Registrar: €76,078 - €97,639.
- Legal Officers (Scale A9-A14): €32,174 - €90,219.
- Registrars (Scale A8-A13): €25,920 - €84,439.
- Court Stenographers (Scale A2-A1): €16,153 - €66,911.

- Bailiffs (Scale A2-A10): €16,153 - €57,647

9. ***Independence/autonomy of the prosecution service***

Contribution from the Legal Service: see input for the RoL Questionnaire 2023.

10 ***Independence of the Bar (chamber/association of lawyers) and of lawyers***

Contribution from the Cyprus Bar Association: The Cyprus Bar Association is an independent and non-political body. The authority of the Cyprus Bar Association as an autonomous body derives from the Advocates Law Cap. 2 which determines, in accordance with articles 21, 23 and 24 of the Law that the council of the Cyprus Bar Association is elected every three years by all the lawyers - registered and licenced members of the Bar, and the legislative, executive and judicial authorities of the State have no power or control over this election. Furthermore, the Cyprus Bar Association adopts its own code of conduct. The respective body handling violations of this code of conduct is the Disciplinary Council of the Cyprus Bar Association which is appointed by the Council of the Bar. There is no right of interference by the State. The decisions of the Disciplinary Council are subject to appeal to the Court of Appeal.

Moreover, it must also be noted that the Cyprus Bar Association is the Supervisory Authority of its members offering administrative services, as such are related to AML purposes, and this further enhances the independence of the CBA and lawyers. For a more effective supervision of our members, steps have been taken to enhance disciplinary mechanisms, AML and KYC mechanisms with the creation of the position of the “Head of the AML department” within the Cyprus Bar Association and further with the addition of new personnel enhancing the relevant department(s). Investigations have become more efficient as a result of the amendment of Advocates Law Cap. 2 recently, Section 16. The AML unit of the Bar Council is under constant training and enrichment with forensic fraud experts. Fines are on the increase and disciplinary proceedings strengthened. We have also enhanced our cooperation with all State Authorities related to the matter.

There are, however, discussions regarding the establishment of a Republic of Cyprus National Overall Independent Supervisory Authority for Anti - Money Laundering and Sanctions’ Supervision Purposes, by the Government, monitoring the organizations offering administrative services, as such are related to AML purposes.

The Cyprus Bar association strongly disagreed with the plans of the Government, stating that the independence of the Bar is crucial and the attorney - client privilege is a principle that cannot be bypassed. However, there is no objection of the Cyprus Bar if the Coordinating Authority will be of advisory / coordinating nature for the individual supervisory authorities and the Bar will retain its regulating/ supervising authorities.

Within the ambit of a meeting between the President of the Republic of Cyprus and the newly elected Chairman and Members of the Council of the Cyprus Bar Association, held at the Presidential Palace on 16th November 2023, which had been subsequently reported in the Cyprus Press (see to that effect, indicatively, <https://news.rik.cy/article/2023/11/16/sunantese-proedrou-khristodoulide-me-to-neo-sumboulio-tou-pagkupriou-dikegorikou-sullogou/> and <https://www.kathimerini.com.cy/gr/politiki/borkas-i-epopteia-ton-dikigoron-prepei-na-parameinei-ston-pds>), the President of the Republic of Cyprus noted the will of the Government for the enactment of legislation concerning a Republic of Cyprus National Overall Independent Supervisory Authority for Anti - Money Laundering and Sanctions' Supervision Purposes, which would supervise Advocates and Auditors. The Chairman of the Council of the Cyprus Bar Association explicitly noted, as also reported in the Cyprus Press, the firm position of Advocates, that the responsibility of the supervision of Advocates must remain with the Cyprus Bar Association, mainly due to the most important issues of Legal Professional Privilege and Client Confidentiality as enshrined in the Judgements of the Court of Justice of the European Union (including the Judgement dated 8th November 2022 in Case C-694/20) and the European Court of Human Rights (including the Judgement dated 17th December 2020 in Case 459/18 SABER v. NORWAY), copies of which had been submitted before the President of the Republic of Cyprus during the said meeting, as well as in the Cypriot Advocates' Code of Conduct, which constitutes a Secondary Legislative Act pursuant to Advocates' Law Cap. 2.

Further, the Cyprus Bar Association, took the following steps so as to protect the Application of the Legal Professional Privilege and Clients' Confidentiality Principle:

Firstly, an Announcement was issued on the Cyprus Bar Association website on 17th November 2023 within the ambit of the application of the Principle of Transparency informing Advocates and all the members of the public regarding the above - mentioned meeting with the President of the Republic dated 16th November 2023 and what had been stated during the said meeting (see to that effect <https://www.cyprusbarassociation.org/index.php/en/news/37770-anakoinose-pds-anaphorika-mete-synantese-me-ton-proedro-tes-kypriakes-demokratias>).

Secondly, a very detailed Letter with Recommendations and Appendices had been compiled by the Council of the Cyprus Bar Association and sent to the President of the Republic of Cyprus and the Parliamentary Committee on Legal Affairs on [date], also dealing extensively with the subject matter of the need to protect the Application of the Legal Professional Privilege and Clients' Confidentiality Principle. A copy of the said bundle had been subsequently provided to the relevant Consulting Committee founded pursuant to the Republic of Cyprus Anti - Money Laundering Law.

Thirdly, a day conference will be organized by the Cyprus Bar Association during mid -

January 2024 concerning the Court of Justice of the European Union case - law developments as to the Application of the Legal Professional Privilege and Clients' Confidentiality Principle, as well as to the impact of the above on the self - regulation of the legal profession.

11 *Significant developments capable of affecting the perception that the general public has of the independence of the judiciary*

Contribution from the Cyprus Bar Association: The establishment of a new Supreme Judicature Council, that includes the President of the Supreme Court as President, the judges of the Supreme Court as members. Additionally, the Attorney-General, the President of the Cyprus Bar Association and two Lawyers which have the credentials to be appointed as a judge of the Supreme Court are also members of the Council without the right to vote.

Additionally, in regards to the implementation of Court decisions, the courts are implementing and following the case law. Under the doctrine of precedents, first instance courts are bound by the decisions of the Supreme Court and the Supreme Court is bound by the European courts. Administrative Court decisions (Judicial review of administrative/governmental decisions), are not always complied with. After annulment, the Administration will in some cases find ways and means to come back with the same decision, although there is a strict provision in Law 158(1) / 1999 (article 57) regulating the obligation of State Authorities to comply with Court Decisions. The Administrative Justice system is ultimately judged by the confidence of the Public in the Administration.

There is room for improvement

B. *Quality of justice*²

12. *Accessibility of courts (e.g. court/legal fees, legal aid, language)*

Contribution from the Supreme Court: See previous contribution to the Rule of Law Report 2023

The **Supreme Court (SC) acts as a third level-appellate court**, competent to resolve any matter referred to it by the new (second level) Appellate Court and not falling within the competence of the Supreme Constitutional Court. In effect, the Supreme Court will deal with appeals on civil and criminal cases. The Supreme Court maintains exclusive jurisdiction over issuing writs of habeas corpus and writs of certiorari.

² Under this topic, Member States are not required to give statistical information but should provide input on the type of information outlined under section 2.

However, **constitutional review cases**, notably from the civil and criminal courts, can reach the SCC via a system of leave to appeal by referral from an ordinary court of “questions of constitutionality which are essential to the determination of the case pending before it” Moreover, another important change of the enactment, on May 12, 2022, for the establishment of a Commercial Court and a Maritime Court³ is that where the interests of justice so require, the **proceedings** may be conducted **in the English** language at the request of one of the involved parties. In such case, the language by which the procedure is to be conducted, the court documents are to be filed and the issue of judgments/orders will be in English. To facilitate the purpose, the use of the English language is also allowed when the Appeal Court reviews and examines appeals against such judgments and orders.

The addition of the use of the English language at these two Courts is part of a series of judicial reforms that are meant to exploit the legal system of Cyprus, in order to effectively serve the diverse Cypriot community, the current and new investors and the large number of ships registered in Cyprus. (**Accessibility**)

13. **Resources of the judiciary (human/financial/material⁴)**

Contribution from the Supreme Court:

Total Number of Staff: 513

- Non-Judge (Judicial) Staff: 151 (including legal officers, registrars, and court stenographers).
- Staff in Charge of Administrative Tasks and Court Management: 170 (covering human resources management, material and equipment management, including computer systems, financial and budgetary management, and training management).
- Technical Staff: 146.
- Bailiffs: 46.

Total Number of Judges as of July 1, 2023:

³ *The Law on the Establishment and Operation of a Commercial and Admiralty Court (N. 69(I)/2022)*

⁴ Material resources refer e.g. to court buildings and other facilities. Financial resources include salaries of staff in courts and prosecution offices.

- Supreme Court: 7.
- Supreme Constitutional Court: 9.
- Appeal Court: 16.
- Administrative Court: 7.
- Administrative Court of International Protection 10
- Labour Court: 3.
- Rent Control Court: 3.
- Military Court: 1.
- Family Court: 10.
- District Court: 88.

New Judicial Appointments as of July 1, 2023:

- 1 President of Appeal Court.
- 15 Judges of Appeal Court.
- 11 District Court Judges.
- 1 Family Court Judge.
- 3 Judges of the Administrative Court.

Judicial Promotions from July 1, 2023:

- 17 Presidents of District Courts.
- 17 Senior District Judges.
- 1 President of Administrative Court.

Court Staff Appointments and Promotions:

- 1 Legal Officer.
- 4 Senior Registrars (Promotion).
- 5 Registrars A (Promotion).
- 1 Senior Stenographer (Promotion).
- 5 Stenographers.
- 2 Bailiffs.
- 17 Clerks.

Administrative Officers for the Administrative Court of International Protection:

- 10 Administrative Officers

14. Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

Contribution from the Legal Service: in addition to the input for the RoL Questionnaire 2023 please find attached the Training Program of the Judges Academy 2023-2024

Contribution from the Supreme Court: Since July 1st, various training sessions have been conducted for justice professionals:

1. Judicial Workshop on Evidence and Credibility Assessment of 'SOGIE' Claims
 - Date: 6-7 July 2023
 - Participants: 10 Judges from IPAC
2. Seminar on the New CPR
 - Date: 29 September 2023

- Participants: 13 newly appointed judges
 - Note: Training on the new CPR for all Judges took place in May, and for Registrars and Legal Officers in June.
3. Judicial Workshop on Money Laundering, Cryptocurrency, and Digital Evidence
 - Date: 3 October 2023
 - Participants: 16 Judges of District Courts
 4. Design and Development of Standard Operating Procedures Mapping the New Cypriot Civil Procedure Rules (Part 1)
 - Date: 17 & 18 October 2023
 - Participants: 31 Registrars in total (15 on the 17th and 16 on the 18th)
 5. Ex Tempore Judgements
 - Date: 7, 8, & 9 November 2023
 - Participants: 67 Judges in total (District Courts and Industrial Disputes Tribunal)
 - 20 on the 7th, 23 on the 8th, and 24 on the 9th
 6. Training on Family Law Issues Including EU Legislation and Case Law
 - Date: 24 November 2023
 - Participants: 8 Family Court Judges, 6 Legal Officers of the Supreme Court
 7. Design and Development of Standard Operating Procedures Mapping the New Cypriot Civil Procedure Rules (Part 2)
 - Date: 28 & 29 November 2023
 - Participants: 24 Registrars in total (13 on the 28th, 11 on the 29th)
 15. ***Digitalisation (e.g. use of digital technology, particularly electronic communication***

tools, within the justice system and with court users, procedural rules, access to judgments online)⁵

Contribution from the Supreme Court: The justice system was launched on December 18. At this stage, a connectivity and user login check are performed. On January 15, the system will become operational, allowing for the electronic filing of documents. Through the TJENI Project of the Council of Europe, a system has been developed for the online publication of judgments. The system is expected to be delivered until April 2024.

16. Use of assessment tools and standards (e.g. ICT systems for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

Contribution from the Supreme Court: Statistical data are maintained by the registries of each court, produced monthly and annually, encompassing the number of cases pending, filed, and resolved. As of January 1, 2023, there were 59,641 pending civil cases and 58,385 criminal cases at a first-instance level.

In the Supreme Court, 3,852 civil cases and 1,228 administrative law cases were pending, along with 256 criminal law cases.

From July 1, 875, cases were transferred to the newly re-established Supreme Court, involving Admiralty cases, Prerogative Orders, and civil appeals filed between the years 2013-2017.

17. Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialization, in particular specific courts or chambers within courts to deal with fraud and corruption cases.

Contribution from the Supreme Court: Courts are strategically distributed across various regions to ensure accessibility for the general public. This distribution takes into account population density, geographical factors, and the demand for judicial services in specific areas.

The judicial map comprises:

- Supreme Court and Supreme Constitutional Court: Located in the capital to serve as the third-tier highest courts. Until June 30, 2023, the Supreme Court also functioned as the Supreme Constitutional Court. Following recent reforms, as of July 1, 2023, the Supreme

⁵ Factual information presented in Commission Staff Working Document of 2 December 2020, SWD(2020) 540 final, accompanying the Communication on Digitalization of justice in the European Union, COM(2020) 710 final and Figures 40 to 48 of the 2023 EU Justice Scoreboard, does not need to be repeated.

Court has been divided into the new Supreme Constitutional Court and the new Supreme Court.

- **Court of Appeal:** Established on July 1, 2023, as an appellate court with jurisdiction to hear and decide on appeals from first-instance courts. Appeals from the Court of Appeal will be directed either to the new Supreme Court or the new Supreme Constitutional Court, depending on the nature of the matter, especially if it involves public interest, importance, or conflicting case law. The work of the Appeal Court is conducted in Nicosia.
- **District Courts:** Positioned in various districts to address a wide range of civil and criminal cases at the trial level. Purpose: Serving as the trial-level court, handling diverse civil and criminal cases. Function: Conducting trials, examining evidence, and delivering judgments in both civil and criminal matters.
- **Specialized Courts:** Including family courts, and other specialized courts, distributed based on the nature of cases they handle. Purpose: Addressing specific types of cases that demand specialized knowledge or procedures. Other specialized courts include the Labour Court, the Rent Control Court, the Military Court, the Administrative Court, which serve as the Administrative and Tax Courts and the Administrative Court for International Protection.

Commercial and Admiralty Courts. Enacted through Law 69(I)/22. These two new specialized courts, namely the Commercial Court and the Admiralty Court, focus on resolving commercial and maritime law disputes, respectively. The date of the operation of the Commercial and Admiralty Courts is yet to be announced.

See also previous contribution to the RoL Questionnaire (2023)

C. Efficiency of the justice system⁶

18. Length of proceedings

Contribution from the Supreme Court: *The new Rules n serve as a modern interpretation of the current Rules but also significantly broaden their scope. They reinforce the civil procedure code by introducing the "overriding objective" and providing the court with "case management powers," concepts previously absent in the existing Rules. The overriding objective encompasses various principles united under the goal of "dealing with a case justly and at a proportionate cost." Simultaneously, parties are obligated to assist the court in advancing this overriding objective.*

Furthermore, the court is now empowered to actively participate in case management, possessing specific powers that can be exercised at its discretion. Its role in active case

⁶ Under this topic, Member States are not required to give statistical information but should provide input on the type of information outlined under section 2.

management is so pronounced that it can take any step or issue any order deemed appropriate to manage the case and uphold the overriding objective. This includes giving directions for efficient case management, ultimately leading to the establishment of an irrevocable trial date.

It is crucial to highlight that the new Rules introduce pre-action conduct, accompanied by related Protocols designed to facilitate the early settlement of disputes before formal legal proceedings commence. Emphasis is placed on negotiations, Alternative Dispute Resolution (ADR), mediation, and arbitration, underscoring their equal importance in the resolution process. Concerning the costs associated with interim steps in a case, they are determined based on the "pay as you go" rule, offering litigants a clear understanding of costs at any given point in the proceedings.

Contribution from the MJPO: Bills prepared by the Ministry of Justice and Public Order affecting the length of proceedings:

(1) Expansion of the scale of jurisdiction for the Senior District Judge and the District Judge

The Courts (Amendment) (No. 6) Law of 2019 bill is currently pending before the Parliamentary Committee on Legal Affairs, Justice, and Public Order. The bill increases the scale of jurisdiction of the District Judge from the amount of one hundred thousand euros (€100,000.00), that applies today, to the amount of five hundred thousand euros (€500,000.00) and of the Senior District Judge from the amount of five hundred thousand euros (€500,000.00), as it is today, to the amount of one million euros (€1,000,000.00).

This expansion aims to reduce the number of Senior District Judges and Presidents of District Courts required to handle the backlog of cases, while also introducing greater flexibility into the system.

(2) Alternative Dispute Resolution - Mediation:

After conducting consultations aimed at enhancing the use of mediation and resolving practical issues that have arisen from the implementation of the law, the Ministry of Justice and Public Order drafted (1) an amending bill titled "Mediation on Certain Matters in Civil Disputes (Amendment) Law of 2023" and (2) Regulations titled "Mediation in Civil Disputes Regulations of 2023". The final drafts are currently undergoing legal vetting by the Legal Service of the Republic.

(1) The bill includes amendments to the law with the aim of making the institution of mediation more effective and functional. These amendments include the consolidation of the two currently maintained Registers of Mediators into a single unified Register, as well as mandatory training for all mediators without exception.

One of the key innovations introduced by the proposed bill is the mandatory initial mediation session, when the value of the dispute does not exceed ten thousand euros (€10,000). This threshold was chosen to align with the provisions of the Civil Procedure Procedural Regulations of 2023.

In cases where a party fails to attend the mandatory initial mediation session, sanctions are imposed. Specifically, the party loses the right to claim legal costs and interest related to the judicial process. This amendment serves as an incentive for parties to engage in the mediation process.

(2) The Regulations determine the following:

- The remuneration of the mediator.
- The content of the specialized professional training required for registration in the Mediators Registry.
- The content of the ongoing professional training of mediators.

(3) With regards to the matter of the **enforcement of court judgments**, the Ministry of Justice and Public Order prepared a bill that amends the Civil Procedure Law, following consultations with the Supreme Court and the Cyprus Bar Association, so as to strengthen the legal framework for the enforcement of judgments. The provisions of the bill include measures which facilitate the execution of writs concerning the seizure of movable property. The bill was submitted to the House of Representatives for its discussion and enactment into law on 18 September 2019 and it is still pending.

More specifically, the bill was discussed twice in the competent Parliamentary Committee on Legal Affairs, Justice and Public Order. The members of the Parliament expressed divergent views on the bill, therefore the discussion was suspended and the Ministry prepared a new draft bill, which is now pending to the Legal Service of the Republic for its legal vetting.

The provisions of the new bill include (1) the provision of additional powers to the bailiffs (enforcement agents) with the aim to effectively trace property belonging to the debtor and which can be allocated for execution, (2) the establishment of a criminal offense in case the debtor is disposing property which belongs to the debtor that was found and was marked by the enforcement agent, (3) the abolition of unnecessary interim applications by the creditor, (4) the ability of the creditor to have access to information relating to the debtor, and finally (5) the appointment of a Receiver.

(4) Creation of a Single Assize Court

The Ministry of Justice and Public Order prepared two amending bills (amending the Courts Law and the Criminal Procedure Law) with the aim of establishing a Single Assize Court. This

decision was made during a high-level meeting attended by the President of the Supreme Court, the Attorney General, the Assistant Attorney General, and the Minister of Justice and Public Order.

According to the proposed bills, a new court with criminal jurisdiction, the Single Assize Court, will be established. This court will be comprised of a District Court Judge (President) who will have the jurisdiction to adjudicate all criminal offenses punishable by imprisonment for a period not exceeding fifteen (15) years. The Single Assize Court will possess any other powers held by the Criminal Court.

The creation of the Single Assize Court is expected to introduce greater flexibility into the system, lead to the redeployment of District Judges, who are expected to be primarily utilized in civil jurisdiction, and simultaneously to contribute to the faster resolution of cases in the criminal jurisdiction.

The bill is pending before the Legal Service of the Republic for its legal vetting.

I. Anti-corruption framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission's attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

19. Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the anti-corruption framework (if applicable)

RECOMMENDATION: Introduce rules on asset disclosure for elected officials to establish regular and comprehensive filing, combined with effective, regular and full verifications

Contribution from the MJPO: Both pieces of legislation, namely the law on the asset declaration of the President, ministers and members of Parliament (Law 49(I)/2004), and the law on the asset declaration of the so-called publicly exposed persons (Law 50(I)/2004) have received significant amendments in order to strengthen and enhance the financial reporting system on the one hand and address the concerns expressed in the recommendation as well as in the 4th and 5th Round of Evaluation Reports issued by Greco.

Discussions before the pertinent Parliamentary Committee are at the very final stage and both revised texts were expected to be submitted to the Plenary for adoption on its December 7th Session. However, this was suspended in order for the members of the

Parliamentary Committee to address some concerns especially concerning publication issues.

Most significant amendments to the existing laws are:

1. Asset declarations will be submitted only electronically within 4 months of coming into office as well as within four months from the end of their term of office. Regarding the periodicity of filing, it is acknowledged that reporting every three years as the existing law provides is a rather long period, particularly if there has been a substantial variation of wealth in between. Thus, the Ministry of Justice and Public Order suggested a yearly basis reporting which seems to receive the consensus of the committee members.

2. The contents of the declaration will include also movable property.

3. The declaration will also include the assets, income and liabilities of the filers spouse, or civil partner, and dependent family members (this information will not be published). The term «dependent family member means» the underage children of the obligated person as well as any other person whose financial support and living expenses are undertaken by the obligated person by virtue of court order.

4. The Commissioner of Taxation is entrusted with the audit of asset declarations to determine the correctness and truth of the information contained therein. To that end, the Commissioner of Taxation may have access to all necessary governmental databases.

A lot of effort has been made so far in order to amend the asset declaration regime; thus, we are very pleased that we have managed to address and incorporate in the revised texts the vast majority of the recommendations and the shortcomings identified.

Both texts are expected to be submitted to the Plenary for adoption shortly.

RECOMMENDATION: Ensure that the recently established Independent Authority for Anti-Corruption has the financial, human and technical resources to effectively perform its competences

Contribution from the IAAC: With regards to financial resources: In 2023, the total annual budget approved by the House of Representatives and allocated to the Independent Authority for Anti-Corruption IAAC was 1,221, 173 euro including supplementary amounts allocated in the course of the year 2023. For the year 2024 the IAAC prepared and submitted to the House of Representatives an annual budget for the amount of 2,102, 700 euro, of which, an amount of 67% will be allocated to investigations, awareness campaign and training.

With regards to human resources: According to article 4(7), “The Authority, for the exercise of its work, shall have an office, the staff of which shall be appointed subject to the conditions and pursuant to the procedure set out in Regulations made by virtue of the provisions of section 28”. Article 28 provides that “Until the staff of the Authority is appointed and for the purpose of its staffing, public or other government officers may be seconded to it pursuant to the provisions of the Public Service Law or any other Law.”

The Independent Authority against Corruption, is in operation with the total number of people working for the IAAC, including the 4 Members of the Authority and the Commissioner for Transparency, amounting to 13. The staff comprises of one Legal Officer (Anti-Fraud / Anti-Corruption Expert) who has 20 years of experience in the public service, specifically in legal, EU anti-fraud and anti-corruption policy matters, one (1) administrative officer (civil servant), (3) three secretarial officers (civil servants) and two (2) persons on a contract basis, for general clerical and administrative matters, as well as one usher/ porter.

The Law as it stands, does not contain the necessary legal basis that would allow it to recruit its own staff, and an amendment is needed in order to achieve that. In May 2023, the Authority forwarded this urgent need in writing to the Minister of Justice and Public Order (MJPO). Pending any actions taken by the Executive Power (MJPO) towards resolving the issue, and due to the urgent need for the Authority to get at least some starting human resources, the Authority made use of the above-mentioned article 28, and in May 2023 the Authority published a call for expression of interest for secondment to the Authority by civil servants of the public sector and employees at the wider public sector.

<https://www.iaac.org.cy/iaac/iaac.nsf/all/D109F9AEAD6562C8C22589AC00220426?opendocument>.

Following two interviews of the interested persons, the Authority came to a decision and sent letters to the 4 persons who were selected. These people are expected to join the Authority’s offices in February 2024, if the Ministries / Departments / Public Bodies who employ them consent to their movement.

Another kind of procedure that has been widely followed, up to now, by the Authority, because of the urgent need for staff, has been the purchase of services of clerical and administrative nature, from individuals from the private sector who work at the offices of the Authority and perform day to day work. In November 2023, the Authority, in addition to the call for expression of interest for secondment as above, published an open call for expression of interest by individuals of legal, administrative and secretarial fields from the private sector. Both kinds of procedures that are now underway, enhance the human resources of the office of the Authority, achieving at the same time an impartial and transparent selection of the most competent officers, through a competitive selection procedure. Nevertheless, the above procedures are only complementary to the efforts of the Authority, towards adopting its own procedures for employment of its permanent staff.

With regards to technical resources: The Authority has, for the time being, computers, printers, copy machines, scanners, and shredders, at its disposal.

Furthermore, we would like to add that Component 3.4 of the Recovery and Resilience Plan of Cyprus contains, inter alia, reforms and investments, which aim at strengthening of the anti-corruption framework, addressing the Country-Specific Recommendation 5 of 2019. Quoting from the ANNEX to the Council Implementing Decision Amending Implementing Decision of 20 July 2021 on the approval of the assessment of the recovery and resilience plan for Cyprus: *«Reform 10 (C3.4R10): Improving the legal and institutional framework for fighting corruption. The objective of the reform is to achieve greater coherence in the fight against corruption by implementing the national horizontal action plan against corruption. The reform shall consist of: (i) legislation to protect whistle-blowers, to enhance transparency in public decision-making processes and to prevent conflict of interest, (ii) establishment and operation of an independent authority against corruption, which shall coordinate the efforts of all bodies engaged in the fight against and prevention of corruption and shall supervise the timely implementation of actions by the different competent services (iii) anti-corruption public awareness and trainings and (iv) reinforcement of the Internal Audit Units in all the Ministries and the Internal Audit Service.»*

This Reform concerns three milestones: a) The entry into force of the law establishing the Independent Authority against Corruption, b) The entry into force of the law on Transparency in Decision-Making and Related Matters and c) the entry into force of the law to protect whistle-blowers. All three milestones have been achieved, however, the milestone concerning the entry into force of the law establishing the Independent Authority against Corruption carries with it an amount of 4,5m of non-repayable financial support from the Recovery and Resilience Fund, that will run through the duration of the RRF Plan till 2026. This financial support of 4.5m is based on an approved by the national and European authorities analytical costing and will be managed by the Independent Authority against Corruption. The rest of the milestones are not accompanied by any financial support.

A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)

20. List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention, detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic and with foreign authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO.

Contribution from the Police: The Financial Crime Sub-Directorate of the Cyprus Police consists of a total of 29 members (24 specialized investigators and 5 accountants), since it

was reinforced in 2023 with six additional investigators.

Furthermore, there are two district financial crime investigation offices in Nicosia and in Limassol. The Nicosia office consists of 9 investigators and the Limassol office consists of 7 investigators.

The cooperation with OLAF and EPPO is at a high level since the Cyprus Police provides any assistance requested by OLAF (in cooperation with the national AFCOS) and priority is given to EPPO cases, while respecting the timelines set by EPPO. For this purpose, meetings are held on a regular basis between the Police investigators and the European Delegated Prosecutor which allow for enhanced coordination.

It is noted that the Cyprus Police has direct access to information from the Companies' Registry, the Motor Vehicle Registry and is in the process of acquiring direct access to the Companies Ultimate Beneficial Owners (UBO) Registry. Furthermore, the Police during criminal investigations can obtain any other information/evidence required through, disclosure orders, European Investigation Orders or Requests for Mutual Legal Assistance. Whenever deemed necessary, information is obtained through Europol or Interpol channels.

The investigative tools of the Cyprus Police have been further enhanced following the creation of the Central Bank Accounts Registry (February 2021), and the Online platform for the, Cyprus Beneficial Ownership Register of Express Trusts and Similar Legal Arrangements (May 2022), the Register of crypto assets service providers, to which the Police has direct access by virtue of the AML/CFT Law and in full accordance with the 4th and 5th European Directives or the Prevention and Suppression of Money Laundering and Terrorist Financing.

Amendments have also been made to the AML/CFT Law in 2022, which enhance significantly the national investigative powers as well as European police cooperation. In particular, police powers have been enhanced with respect to direct access to real estate information, exchange of information between competent authorities in different EU Member States and exchange of information with Europol, in the context of aligning also national law with Directive (EU) 2019/1153 laying down rules facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences.

National response to combat serious crime, including corruption, has been largely enhanced following Council Decision (EU) 2023/870 on the application of the provisions of the Schengen acquis relating to the Schengen Information System in the Republic of Cyprus, adopted on 25/4/2023. As per Article 1 of the Decision, from 25 July 2023, the provisions of the Schengen acquis relating to the Schengen Information System (SIS) apply to Cyprus. Therefore, as from 25 July 2023, Cyprus is now able to enter alerts and additional data into the SIS, to use SIS data and to exchange supplementary information, subject to paragraph 4 of the Decision. The national SIS Law, allows for the Police to have access to data entered in SIS and the right to search such data directly or in a copy of the SIS database for the purposes also of prevention, detection, investigation or prosecution of terrorist offences or

other serious criminal offences. Undoubtedly, the operation of SIS allows for the significant enhancement of police cooperation.

Contribution from the Legal Service: See input for the RoI Questionnaire 2023

21. Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption.

Contribution from the Legal Service: See input for the RoI Questionnaire 2023

22. Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators.

Contribution from the IAAC: **Prevention** The responsibility to ensure the implementation, progress, management and assessment of the National Strategy against Corruption was officially passed to the Authority by the Ministry of Justice and Public Order, in July 2023.

Besides its investigation mandate which constitutes the very first priority, and the limited resources in staff, the IAAC implemented range of activities in the framework of its preventative role and more widely in the framework of the National Strategy Against Corruption.

During 2023, the Authority has responded to all requests for meetings from various groups, academics, civil society and professional organizations in discussing potentials for cooperation. The Commissioner for Transparency had numerous high level meetings with the President of the Republic, Ministers, Commissioners of other Independent Authorities, the Auditor General, Members of the Parliament, the European Commissioner for Justice, Mr. Didier Reynders, accompanied by the Head of EC Representation in Cyprus, representatives from OLAF, the French and the American Ambassadors and representatives from these embassies, representatives of the IACA, the Coordinator on Global Anti – Corruption at the U.S. State Department and many more.

The Commissioner for Transparency and the four Members of the Authority, have represented the Authority in numerous meetings at the House of Representatives, meetings with the European Commission in the framework of the Rule of Law Report and Recovery and Resilience Plan, as well as meetings with GRECO and the Council of Europe representatives. In addition to the above, the Members of the Authority had an active participation in Meetings and Conferences such as the First Meeting of the EU Network against Corruption, the 14th Session of the implementation Review Group of UNCAC and the annual Cyprus Forum, by intervening in some of these, on specialized topics.

Concerning trainings and anti-corruption awareness activities by the Authority during 2023, again despite the extremely limited staff available, the Authority gave speeches and presentations in various forums, trainings and other events. Public awareness concerning the establishment, the role, the competences and the mandate of the Authority, was also enhanced, especially in the first semester of 2023, by the Commissioner for Transparency's frequent appearances in the media (TV and radio), as well through a front-page interview of a Member of the Authority on the implementation of the Law on Lobbying, in a national newspaper of high circulation.

Both the Commissioner for Transparency and one Member, were the key speakers in an event organized by the Cyprus Bar Association in late May 2023, concerning the implementation of the Law on Lobbying, for which the Authority is the competent Authority according to the Law itself. Furthermore, a specialized training on the same subject matter was delivered by the Commissioner for Transparency and the same Member for the newly, then, appointed Council of Ministers in July 2023 and a general anticorruption training was delivered to the staff of the presidency by another Member of the Authority. The Authority also participated in AFCOS meetings, in a meeting with the IMF in the framework of discussion of AML issues, as a trainer in the two day Training Event for the Protection of the Financial Interests of the European Union on the 27th -28th March 2023, organized by the Treasury of the Republic and DG Growth of the Ministry of Finance, presenting "The role of the Independent Authority against Corruption and of the Commissioner for Transparency" in PIF, and the procedure to be followed for reporting suspicion for corruption to the Authority in instances of European funds, including funds in the framework of the Recovery and Resilience Mechanism of EU.

B.

23. Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training).

Contribution from the Ministry of Finance:

Guide of Conduct and Ethics for Civil Servants

As mentioned last time, a Guide of Conduct and Ethics for Civil Servants was issued by the Public Administration and Personnel Department and the Ombudsman's Office in 2013.

The revision of the Guide is deemed necessary due to-

- legislative and other developments since the introduction of the Guide, and
- relevant recommendations of the Auditors of the European Union during a recent audit they carried out on the procedures applied by the competent authorities of the

Republic of Cyprus in relation to Operational Programs, which are co-financed through EU Structural Funds, with the aim of preventing, identifying and correcting cases of conflict of interest, fraud, corruption and double funding.

Therefore, the Public Administration and Personnel Department has already contacted the Ombudsman's Office and the Law Commissioner's Office in order to co-operate for purposes of revising and updating the Guide.

Training

Regarding training, the Public Administration and Personnel Department- Cyprus Academy of Public Administration has recently completed the designing of an asynchronous e-learning course titled "Fighting Corruption".

This course will be addressed to public servants and upon its completion, it is foreseen that the trainees:

- will have understood the risks of undermining the prestige of the state and its officials caused by the appearance of corruption phenomena,
- will be familiar with the institutional framework for dealing with corruption at the international and national level,
- will know the ways in which the phenomena of corruption can be limited by strengthening the elements of professional integrity, in the culture of the public organization,
- will know the role played by leadership and staff training in dealing with corruption phenomena, and
- will have realized how the establishment of standardized and transparent procedures can contribute to limiting the phenomenon.

The course also includes the legislation regarding whistle-blowers. More specifically:

- The "Directive 2019/1937/EU of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report violations of Union law" where the EU Regulatory Framework for the fight against corruption is mentioned.
-
- The "On the Protection of Persons Reporting Violations of Union and National Law Law of 2022 (6(I)/2022)" and its basic provisions where the Cypriot framework for fighting corruption is mentioned.

It will be available for participation starting 2024 onwards (a circular will soon follow).

Further training, if needed, for specific target groups is to be decided / designed under the directions of the competent authority, i.e. the Ministry of Justice and Public Order.

The Law regulating employment to private sector by former government officials and certain former officers of the Public and Wider Public Sector (114(I)/2007)

As pointed out last time, the above-mentioned law provides that former public officers who hold a post in pay scale A13 and above (and former government officials who are specified in the law) have the obligation to apply to the Independent Special Authority established by the Law, for permission in the case they intend to undertake work in the private sector within a period of two years from the day of leaving their post / office.

The law has been recently amended (2023) so as to extend its scope and include more government officials (i.e. Judges, the Attorney and the Deputy Attorney General of the Republic, the Chief and the Deputy Chief of the National Guard, the Chief of the Fire Service) and the members of the Fire Service, the Security Services and the Armed Forces.

We have undertaken a seminar on the Protection of the Financial Interests of the Union in cooperation with OLAF in March 2023. The seminar was relevant for all bodies involved in the implementation and management of EU Funded projects and speakers included all national bodies involved such as the Anti-Corruption Authority, the Cyprus Audit Office, the Ombudsman, the Ministry of Justice, the Cyprus Police, the Office of the Attorney General and OLAF. The agenda of the training covered the following:

- The role of OLAF and its cooperation with National AFCOS
- The lifecycle of an OLAF investigation: What happens after an on-the-spot check
- New challenges in fighting fraud against the EU budget: a reinforced legal framework
- National Governance System for the implementation of the Recovery and Resilience Plan and relations between the stakeholders having responsibility for the prevention, detection and correction of fraud, corruption and conflict of interest)
- The role of Supreme Audit Institutions in prevention and detection of fraud–Tool for whistleblowing
- The role of Internal Audit Service in the protection of the financial interest of the EU. Control Units, Recovery and Resilience Fund, Co-Funded projects
- The role of the Independent Authority against Corruption and of the Commissioner for Transparency
- The role of the Attorney General in the investigation of irregularities and possible fraud cases (criminal cases). Relation of the Attorney’s General office with EPPO and OLAF
- The National anti-fraud coordination service for the protection of the financial interest of EU - New legislative Bill
- Irregularities, Suspicion of Fraud and red flags – EU Regulations and Guidelines
- Conflict of Interest under Art.61 of the Financial Regulation

- The National Code of Conduct and the role of the Commissioner for Administration and the Protection of Human Rights (Ombudsman) in EU funds
- Ultimate Beneficial Owners and Anti-money Laundering
- National guidelines for the avoidance and detection of cases of conflict of interest – Public procurement and Aid Schemes
- «Arachne» and other tools in conducting investigations and administrative checks
- OLAF-EPPO Cooperation: overview and stock-taking
- The role of EPPO and its cooperation with other competent authorities
- The Economics Crime Investigation Unit and its role in administrative and criminal investigations of EU co-funded projects.

24. General transparency of public decision-making (including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing)

Contribution from the Parliament: In 2022, the House of Representatives of the Republic of Cyprus has adopted the law on transparency in public decision-making entitled “The Transparency in Public Decision-Making Procedures and Related Matters Law of 2022” (Law 20(I)/2022) and consequently in 2023 the relevant regulations which detail the procedures by which someone may apply in order to participate in public decision-making. Kindly note that the implementation of the above-mentioned legislation is gradually being implemented. To this effect, the competent Independent Authority against Corruption is receiving applications for the registration of lobbyists since last November of 2023 and as from January 2024 the rest of the provisions of the said law will enter into force.

Contribution from the IAAC: The Transparency in Public Decision-Making Procedures and Related Matters Law of 2022 (Law 20 (I)/2022), establishes the Independent Authority against Corruption as competent to implement the provisions of the Law. The purpose of the Law is to establish a framework of transparency regarding public decision-making processes, in order to prevent the creation of conditions that allow or facilitate acts of corruption. The Law imposes obligations both on lobbyists intending to engage in public decision-making processes, as well as on officials or members of the state or the wider public sector and employees of officials who, by virtue of their position, take part in the above procedures. The implementation of the Lobbying Law will bring revolutionary and radical changes in the way meetings between individuals and officials have been arranged until now, for the purpose of making public decisions. Given that the Law contains some provisions which may be considered as complex and for which information may need to be provided to all competent bodies, the Authority has decided to implement the provisions of the Law, gradually, in order for the society to better understand it. As a first step, as of

Monday, November 27, 2023, the Authority started receiving applications for registration in the Lobbyists' Register. Applications will be examined and, if approved, persons or legal entities will be registered and at the same time the Code of Conduct will be signed. Details are being posted on the Authority's website www.iaac.org.cy and include an Explanatory Note along with the necessary forms. The rest of the provisions of the Law will enter into force at the beginning of 2024, when all obligations of both officials and lobbyists will be implemented simultaneously. In the meantime, until then, the Authority is responding positively to requests for information, from anyone interested.

25. Rules and measures to prevent and address conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)

For questions 23-25, please provide figures on their application, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.).

Contribution from the MJPO: Concerning State Officials, the Law on the Incompatibility in Exercising the Duties of Certain Officials of the Republic and Specific Profession and Other Relevant Activities (Law 7(I)/2008) excludes certain actions, activities, and functions as incompatible with holding certain public offices. Its personae scope covers, inter alia, the President, the members of the Council of Ministers and ministers. The system for preventing conflicts of interest provided under this Law is designed to exclude certain actions, activities, and functions as incompatible with holding certain public offices and is, to a large extent, focused on potential conflicts of interest (incompatibilities), listed in this Law⁷.

⁷ The incompatibilities are, as follows:

- (a) the provision to the public sector or to any public entity of legal, auditing, accounting, advisory, including the preparation of studies or any other nature of services;
- (b) the function of a member of a board of directors, a managing director, a general manager or their substitutes of a company, partnership, joint venture or business of the public sector to which any public contract for the provision of goods or the undertaking of a project or the provision of any services has been awarded or will be awarded;
- (c) the submission of a bid or the undertaking of any contract for the provision of works or services to the public sector to any public entity or a governmental or quasi-governmental company by the official himself/herself or by a company, partnership, joint venture or business of which s/he is part either as a simple shareholder or as a member of the board of directors in any capacity, or as their legal advisor;
- (d) the function of a director or a member of the board of directors of a public entity; and

There is an obligation for its addressees to submit a written declaration, before accepting any office, to the Committee for the Investigation of Incompatibilities on possible incompatibilities.

The Law on Transparency in Public Decision-Making and Related Matters (Law 20(1)/2022) defines the notion of conflict of interest as “any circumstance in which the personal or private interest of an official or member of the civil service or of the wider public sector or employee for the benefit of an official or connected person influences or is likely to influence the impartial and objective manner in which s/he acts or will act in the performance of his/her duties”.

The Law imposes an obligation on officials to notify the Anti-Corruption Authority, in writing, when such conflicts arise, whilst obliging them to abstain from a decision-making process when they (or the persons connected to them) have a personal interest in the outcome of the decision.

Contribution from the Ministry of Finance: The procedures implemented to control Conflicts of Interest in RRP funded projects and contracts, for which information was provided last year, has been extended to cover all EU-funded projects and contracts.

Controls undertaken so far using the ARACHNE tool provided by the European Commission and information from the national registers (eg. UBO database and Registrar of Companies Register) amount to 156 cases. Out of the cases checked, only one (1) case of conflict of interest was detected.

26. *Measures in place to ensure whistleblower protection and encourage reporting of corruption, including the number of reports received and the follow-up given*

Contribution from the MJPO: Several letters were sent by the Ministry of Justice and Public Order to the legal entities of the public and wider public sector, through which they were informed about the national whistleblowers law, and also about their obligations and the actions they should take in order to comply with the provisions of the Law.

Three explanatory Guides were prepared by the Ministry of Justice and Public Order in cooperation with the Office of the Law Commissioner, one addressed to the employees, one to the employers and one to the competent authorities, and are uploaded to the website of the Ministry. These Guides are available to the general public and were brought to the

(e) the function of a member of a board of directors or a manager of a private company or the function of a member of the board of directors or a manager of a quasi-governmental organization who deals with electronic or print means of communication.

attention of the legal entities of the public and wider public sector, through a formal letter which was sent by the Office of the Law Commissioner and a relevant publication by the Press and Information Office in February 2023.

A list of the “competent authorities” is also prepared by the Ministry of Justice and Public Order and is uploaded on its website, in order to guide the potential whistleblowers where to submit their reports. The said list is available to the general public and was brought to the attention of the relevant authorities through a formal letter sent by the Ministry of Justice and Public Order in June 2023.

The Ministry of Justice and Public Order has prepared a document containing all the necessary information required by Article 14 of the Law (Article 13 of the Directive), regarding the receipt of reports and their follow-up, and was sent to all “competent authorities”, so that they can use it as a template and publish it on their websites.

In consultation with the Cyprus Academy of Public Administration, a relevant reference to the provisions of the "Directive 2019/1937/EU of the European Parliament and of the Council of 23 October 2019 regarding with the protection of persons who report violations of Union law", as well as to the provisions of the relevant national law, was included in the anti-corruption online seminars that will be available for watch by the public officials.

The Ministry of Justice and Public Order has prepared Guidelines of handling internal reports (complaints), that were sent to all Ministries/Departments/Independent Authorities, for their further guidance. The said Guidelines include also complaint form templates, which are available for use by potential whistleblowers for submitting external and/or internal reports.

With regards to the number of the external reports received by the “competent authorities”, it must be noted that due to the fact that in Cyprus the competent authorities are existing mechanisms that already receive complains and/or have the obligation, under national law, to supervise the compliance with the legal standards applying in the areas of breaches listed in the Directive and the relevant transposition law, they were unable to separate the complaints submitted until now and provide us with exact numbers of the complaints which relate to information acquired on breaches that fall within the scope of the Directive (EU) 2019/1937. Therefore, we cannot provide you with accurate data on external reports, at the moment. Please note that this difficulty has been pointed out to the “competent authorities” in order to be dealt with in the future.

Please also note that we cannot present the number of reports that have been submitted via internal reporting channels.

Contribution from the Police: Pursuant to the provisions of the Protection of Persons Reporting

Violations of Union and National Law (L.6(I)/2022), aligning national law with Directive 2019/1937/EU on the protection of persons who report violations of Union law and National law, Cyprus Police, as the national competent authority, has adopted mechanisms and has taken all appropriate measures within 2023, aiming to the full implementation of the legal framework. Amongst others, internal and external mechanisms (channels) for submitting reports/complaints have been established, and the necessary measures to monitor the progress of these reports and to ensure the protection of the complainants/employees, have been taken. In this respect, a competent office has been established within the Police Professional Standards and Inspections Directorate (PSID). No reports have been filed so far.

The PSID functions on the basis of a Police Standing Order, which is considered as secondary law.

Contribution from the Ministry of Finance: The whistleblowing process for projects contracts and schemes co-funded through EU-funded programmes has been agreed with all the relevant authorities, it uses the Auditor General's database as a single-entry point and is included in the guidelines for the protection of the financial interests of the Union which were approved by the Council of Ministers on 7 December 2023.

27. **Sectors with high risks of corruption in your Member State:**

- **Measures taken/envisaged for monitoring and preventing corruption and conflict of interest in public procurement**

Contribution from the Ministry of Finance:

New Measures taken for the Protection of the Financial Interests of the Union for the Recovery and Resilience Plan

A Council of Ministers Decision was adopted on 7/12/2023 concerning the Guidelines for the Protection of the Financial Interests of the Union for the RRP («Κατευθυντήριες Γραμμές – Διαδικασίες διασφάλισης της Προστασίας των Οικονομικών Συμφερόντων της Ένωσης»). The Decision instructs all bodies involved in the implementation control and audit of the RRP to adhere to the provisions of the Guidelines. The same decision adopts the Revised Policy for countering Fraud and the second Fraud Risk Assessment exercise and Action Plan for the RRP (see attachment).

The Guidelines incorporate a Risk Assessment Methodology to be applied for all administrative and on the spot, verifications as follows:

- obligations for internal control mechanisms of Implementing Bodies – legal obligations imposed through national regulatory framework

- additional controls mandated through the new guidelines that are specific for interventions funded through the RRP.

The verification types covered by the Guidelines are the following:

1. Verifications for interventions implemented through procurements
 - a. On the spot technical verifications (performed by Technical Verification Bodies)
 - b. Administrative verifications of payments (performed by the Directorate of Financial Control of European Funds of the Treasury of the Republic (DFC))
2. Verifications for public procurement – covered in a previously issued circular – Performed by the Public Procurement Directorate of the Treasury of the Republic
3. Verifications of interventions implemented through aid schemes (covered in a separate circular issued by the CA):
 - a. on the spot verifications performed by Implementing Bodies responsible for Aid Schemes in accordance to the scheme provisions
 - b. administrative verifications performed by Implementing Bodies responsible for Aid Schemes in accordance to the scheme provisions
 - c. Verifications following the completion of projects within aid schemes performed by Implementing Bodies responsible for Aid Schemes for completed projects for which the responsibility for maintaining the investment is still ongoing
4. Verifications for the achievement of milestones and targets, implemented by the Coordinating Authority / Monitoring Bodies (where such bodies are appointed)
5. Verification of the adherence to the obligations of Implementing Bodies responsible for Aid Schemes and of Technical Verification Bodies, performed by the Coordinating Authority and the Directorate of Financial Control of European Funds of the Treasury of the Republic (DFC)
6. Verifications for the avoidance of double funding performed by the Directorate of Financial Control of European Funds of the Treasury of the Republic (DFC)
7. Verifications for the absence of Conflicts of Interest (covered by a circular previously issued by the CA) performed by the Directorate of Financial Control of European Funds of the Treasury of the Republic (DFC) *“Επαληθεύσεις απουσίας σύγκρουσης συμφερόντων, οι οποίες περιγράφονται στις Κατευθυντήριες Γραμμές για τις Διαδικασίες Διασφάλισης Συμβατότητας με την Εθνική και Ενωσιακή Πολιτική για τις Δημόσιες Συμβάσεις και Διασφάλισης της Πρόληψης, του Εντοπισμού και της Διόρθωσης Περιπτώσεων Απάτης, Διαφθοράς και Σύγκρουσης Συμφερόντων»*

The treatment of irregularities and the whistle blowing process followed for interventions (projects or schemes) funded by the Union

Methodology for the Fraud Risk Assessment and Revised Action Plan following the second assessment exercise undertaken by the Central Fraud Risk Assessment Team. The section includes:

- setting up of the Central Fraud Risk Assessment Team and for a justification why the Central Fraud Risk Assessment Exercise covers the requirements for all contracting authorities.
- Excel file with details of the assessment exercise undertaken during the second assessment of the Central Fraud Risk Assessment Team in line with COM *Guidance Note on Fraud Risk Assessment and Effective and Proportionate Anti-Fraud Measures for ESIF 2014-2020 - EGESIF 14-0021-00, 16/06/2014*
- An obligation for the setting up of specific fraud risk assessment teams at the level of the Implementing Bodies for Aid Schemes and for undertaking a specific fraud risk assessment at the level of the IB, targeting controls and procedures at that level.
- Obligation for IBs implementing Aid Schemes to appoint officers responsible for the protection of the Financial Interests of the Union who are responsible for ensuring compliance with the CA Guidelines for the procedures to avoid conflict of interests and for the verification procedures which are based on risk assessment and include procedures for avoiding double funding, handling irregularities and the whistle-blowing process to ensure the protection of the financial interests of the Union.

The body of the proposal for a Council of Minister's decision mandates a) the appointment of the new verification bodies which are functionally independent from Implementation Bodies and their administrative reinforcement with additional staff and b) the adherence to the controls prescribed in the new guidelines.

The guidelines also include a section where the Coordinating Authority in cooperation with the DFC of the Treasury of the Republic monitor the effective implementation of the new controls.

New legislation for enhancing the cooperation with OLAF and meeting the legal requirements of the EC Regulations.

For the purpose of implementing certain provisions of Regulation (EC) 2185/96, (EU) 883/2013, (EU) 2018/1046 and (EU) 2021/1060 a Legislative Bill was prepared. The Bill is titled: «Ο περί του Εθνικού Συντονιστικού Φορέα για την Καταπολέμηση της Απάτης κατά των Οικονομικών Συμφερόντων της Ευρωπαϊκής Ένωσης»

The Bill institutionalizes the already established AFCOS in Cyprus. The Bill regulates the following:

- (a) The cooperation between Cyprus AFCOS with OLAF and the provision of the necessary support to Olaf's employees for the effective performance of their duties.
- (b) Taking appropriate preventive or other necessary measures in cooperation with other competent authorities, mainly for the preservation of evidence.
- (c) Access to information held by the Central Bank of Cyprus (in accordance with article 61D of the Anti-Money Laundering Regulation «περί Παρεμπόδισης και Καταπολέμησης της Νομιμοποίησης Εσόδων από Παράνομες δραστηριότητες Νόμος») in case of investigation of cases falling within the competences of AFCOS Cyprus and/or OLAF.
- (d) The performance of on-the-spot checks jointly with OLAF.
- (e) The failure to provide data requested by OLAF or the destruction or falsification of data requested by OLAF constitutes a criminal offence.
- (f) Taking necessary measures to report irregularities including cases of fraud against the financial interests of the European Union.

The Bill was approved by the Council of Ministers and is currently before Parliament for approval

- ***list other sectors with high risks of corruption and the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. healthcare, citizen/residence investor schemes, urban planning, risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector) ΥΔΔΤ/ΥΠΟΙΚ/ΑΣΤΥΝΟΜΙΑ/ΑΚΚΔ***

Contribution from the MJPO: The Ministry of Justice and Public Order is promoting an Incentive Scheme in the public, broader public sector, private sector and local administration for the implementation of the international standard against bribery and corruption (ISO 37001). The obligatory implementation of the ISO in public sectors with high risks of corruption is examined.

Concerning the prevention and addressing of corruption linked with other forms of crime, in 2022 an Anti-Corruption Task - Force for supervising the investigation and prosecution of corruption related cases was formed, under the competence of the Attorney General of the Republic. This Task – Force, consists of attorneys from the Office of the Attorney General, officers from the Unit for Combating Money Laundering (MOKAS) and officers from the Police. In addition, depending on the case, the Task – Force, in case it is necessary requests

the assistance of other authorities such as the Tax Department and the Department of Customs and Excise or other Departments of the public or wider public sector.

The said Task-Force analyses and codifies systematically all the reported cases in order to assess whether the element of corruption exists and if yes, whether there is a linkage between other forms of crime, inter alia, organized crime.

28. Any other relevant measures to prevent corruption in public and private sector

Contribution from the IAAC: The five Members of the Independent Authority against Corruption have undertaken a wide range of activities during 2023, which all aim at the prevention of corruption in the public sector, as well as in the private sector. These activities include:

- (i) high level meetings of the Commissioner for Transparency with high officials
- (ii) meetings of the plenary of the Authority with Representatives of foreign Governments, Embassies, civil society organizations, professional associations, academics, and the private sector
- (iii) speaking engagements of the Commissioner and the Members of the Authority at Conferences, Trainings and other Anti-Corruption awareness raising events
- (iv) *the organization, on the 8th of December 2023, of an event with title “The implementation of the Lobbying Law as a tool of Transparency for the purpose of preventing and combating Corruption”, on the occasion of the International Anti-Corruption Day.*

Contribution from the Police: In the framework of the National Anti-Corruption Strategy, the Police Internal Affairs Service (P.I.A.S.) was established and started to operate in March 2018. P.I.A.S. conducts, inter alia, integrity tests, in the context of investigating information/complaints on corruption of police officers. Also, in the context of investigating various information/complaints, whenever P.I.A.S. identifies gaps and/or weaknesses which may create opportunities for corruption and/or delinquent behavior, it submits relevant suggestions to the Chief of Police for corrective measures.

The Professional Standards and Inspection Directorate (PSID) of the Cyprus Police is responsible for ensuring professional standards, notably, by the improvement/upgrading of the internal practices and procedures that are followed and the introduction and implementation of mechanisms for the prevention, inspection, detection and combating of deviant or delinquent behavior. Additionally, the Directorate carries out inspections for the purposes of establishing the effectiveness of both the general administration and policing system, as well as the correct execution of police duties, according to defined methods and procedures.

The organizational chart of the Cyprus Police was amended on 29 December 2022 and by virtue of Police Standing Order No. 1/10 of 9 March 2023, the Director of PISD is subordinated administratively and operationally to the Deputy Chief of Police. This amendment allows for

more independency of the Service. PSID has at its disposal a special services fund that is designated for any expenses relating to intelligence gathering and the organization of police operations.

As a main rule, members of the Police are not allowed to practice any profession or trade or to employ themselves in any occupation or business other than their employment in the public service. That said, authorization may be provided in certain cases. The relevant authorizations are centralized in a register kept by the Administration and Human Resources Department of the Police Headquarters. Monitoring of the authorizations granted is performed by PSID.

Strengthened requisites apply for police officers serving in Police Units/Departments which are particularly sensitive (including in corruption-prone areas), such as re-vetting of criminal/discipline records, e.g. Drug Law Enforcement Unit, Aliens and Immigration Department, Message Control Centre – Immediate Response Unit Squad, Crime Prevention Squads, Emergency Response Unit, etc. Further, with respect to vetting processes in-service (other than those taking place in sensitive sectors, as highlighted above), P.I.A.S. conducts integrity tests in the context of investigating information/complaints on corruption of members of the force.

As from January 2023 an authorized increase in salaries of police officers up to the rank of Chief Inspector took effect, which is expected to improve morale and retention.

C. Repressive measures

29. Criminalisation, including the level of sanctions available by law, of corruption and related offences, including foreign bribery.

Contribution from the Legal Service: see input for the RoL Questionnaire 2023.

30. Data on the number of investigations, prosecutions, final judgments and application of sanctions for corruption offences (differentiated by corruption offence if possible)⁸, including for legal persons and high level and complex corruption cases and their transparency, including as regards to the implementation of EU funds⁹.

⁸ Please include, if available the number of (data since 2022 or latest available data): indictments; first instance convictions, first instance acquittals; final convictions; final acquittals; other outcomes (final) (i.e. excluding convictions and acquittals); cases adjudicated (final); imprisonment / custodial sentences through final convictions; suspended custodial sentences through final convictions; pending cases at the end of the reference year.

⁹ For MS participating in the EPPO, data on cases related to EU funds does not encompass investigations and prosecutions carried out by the EPPO.

Contribution from the Police:

Corruption-related cases

Since 2022, the Cyprus Police initiated a total of thirty-three (33) corruption-related cases. Eleven (11) cases were brought before to Court, two (2) cases were tried and nine (9) cases are pending trial. There are fourteen (14) cases under investigation, six (6) cases were forwarded to the Attorney's General Office for instructions and two (2) cases were closed because it was established that no criminal offence has been committed.

Since 2022, a total of twenty-three (23) persons were convicted for corruption related offences by the Cypriot Courts in ten (10) cases that were tried. These include three (3) cases that were initiated in 2022 (3 persons were convicted in 2 cases and 1 person was convicted in the 3rd case which is still under trial for the remaining two defendants), one (1) case that was initiated in 2021, two (2) cases that were initiated in 2020, one (1) case that was initiated in 2019, one (1) case that was initiated in 2018, one (1) case that was initiated in 2017 and one (1) case that was initiated in 2015.

Corruption-relates cases against Police Officers

In 2023, the Police Internal Affairs Service, (P.I.A.S.), has registered ninety-two (92) cases based on information received (compared to ninety-five (95) in 2022). On the basis of the assessment of the information, only sixteen (16) of these cases were of investigative interest, concerning possible involvement of police officers in acts of corruption. Out of these cases, one (1) resulted in the opening of a criminal case against one (1) police officer and two (2) civilians, which has already been presented before the court for trial. Six (6) cases were investigated, with no evidence found against police officers for criminal acts of corruption and nine (9) cases remain pending for further investigation.

31. Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

Contribution from the Legal Service: see input for the RoL Questionnaire 2023.

32. Information on effectiveness of non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders.

Contribution from the Legal Service: see input for the RoL Questionnaire 2023.

III. Media pluralism and media freedom

33. Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding media pluralism and media freedom (if applicable)

Contribution from the Ministry of Interior: With regards to the recommendation on “strengthening the rules and mechanisms to enhance the independent governance of public service media taking into account European standards on public service media”, it is noted that a first draft of an amending legislation of the public Broadcaster’s Law (CyBC Law Chapter 300A) has been prepared and forwarded on 20/11/2023 by CyBC to various interested parties. Among the amending provisions are matters of fair and transparent procedures of appointing and dismissing members of the Board of Directors. Once the text is finalized, it will be submitted to the Republic’s Law Office for legal checking and afterwards to the Council and Ministers and the House of Parliament. It is further mentioned that for the upcoming new term of Board of Directors (due in February 2024), the members will be drawn from a catalogue of suitable candidates, following the procedures of the relevant Advisory Board as decided by a Council of Ministers’ Decision in July 2023, which provided for an open call of interest to the public.

With regards to the recommendation on “adopting legislation to ensure fair and transparent distribution of advertising expenditure by the state and state-owned companies” the Press and Information Office (a department of the Ministry of Interior) has developed an internal regulation which was approved by the Ministry of the Interior on 1/3/2022. This regulation provides guidelines on the distribution of funds, taking into consideration the type of information campaign that is running and the targeted audience, using relevant indexes of viewership, readership etc. The funds allocated for the afore-said purpose annually by the Press and Information Office, are published on the website of the Treasury of the Republic of Cyprus:

<https://www.treasury.gov.cy/Treasury/treasurynew.nsf/All/0DF08A82BDCF0DBBC225841D0023483F?OpenDocument>

Furthermore, Cyprus is actively taking place in the negotiations for the European Media Freedom Act (EMFA). Due to this, the process to update relevant national law that was in progress was paused and we are now expecting, after the political agreement last December 2023 between the Commission, the Council of the EU and the European Parliament on EMFA, the text to be officially adopted and we will resume negotiations to update the relevant framework.

Media authorities and bodies¹⁰

34. Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

Contribution from the Ministry of Interior: The legislative framework concerning the independence of Cyprus Regulatory Authority has not been modified and remains enforced. The annual budget of CRTA for 2024 was forwarded by the Ministry of Interior to the Council

¹⁰ Cf. Article 30 of Directive 2018/1808.

of Ministers and is expected to be voted by the House of Parliament as soon as possible.

35. Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

Contribution from the Ministry of Interior: The same conditions and procedures for appointment and dismissal of head and members of CRTA apply as of the amendment of the relevant legislation of 23/12/2021

36. Existence and functions of media councils or other self-regulatory bodies

A. Safeguards against government or political interference and transparency and concentration of media ownership

Contribution from the Ministry of Interior: The Cyprus Media Complaints Commission continues its works as an independent press council, responsible for the self-regulation of the news media, both written and electronic. It is entirely free from government interference or judicial supervision, ensuring that through self-regulation freedom of the press is maintained, standards of conduct are raised and the members of the public are given the opportunity to lodge their grievances against the media when they feel they have been offended. The Cyprus Media Complaints Commission was established in May 1997 by the Association of Newspapers and Periodicals Publishers, the owners of private Electronic Media and the Cyprus Union of Journalists. The Journalists' Code of Ethics has been updated, in order to improve it and make it more current with the international reality and similar codes of the Alliance of Independent Press Council of Europe, but also in order to protect freedom of speech and media independence, and enhance the quality of journalists' work. Also, a specific provision on hate speech has been added. The CMCC presented the new Code in October 2022:

<https://cmcc.us.aldryn.io/el/%CE%BF%CE%BA%CF%8E%CE%B4%CE%B9%CE%BA%CE%B1%CF%82/%CE%BF-%CE%BA%CF%8E%CE%B4%CE%B9%CE%BA%CE%B1%CF%82-%CE%B4%CE%B5%CE%BF%CE%BD%CF%84%CE%BF%CE%BB%CE%BF%CE%B3%CE%AF%CE%B1%CF%82-2022/>

It is mentioned again that the relevant framework of media is expected to be improved with the voting of the European Media Freedom Act and what it entails concerning media councils and self-regulation.

37. Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

Contribution from the Ministry of Interior: Concerning measures to enhance media pluralism and media freedom, as well as fair and transparent allocation of state advertising, it is noted that Cyprus is actively taking place in the negotiations for the upcoming European Media

Freedom Act (EMFA). Due to this, the process of updating the relevant national law that was in progress, was paused and we are now expecting, after the political agreement in December 2023 between the Commission, the Council of the EU and the European Parliament on EMFA, the text to be officially adopted and will resume consultation here for updating the relevant framework.

As mentioned above in point (33), the Press and Information Office is implementing an internal regulation which was approved by the Ministry of the Interior on 1/3/2022. This regulation provides guidelines on the distribution of funds, taking into consideration the type of information campaign that is running and the targeted audience, using relevant indexes of viewership, readership etc. The funds allocated for the afore-said purpose annually by the Press and Information Office, are published on the website of the Treasury of the Republic of Cyprus.

(<https://www.treasury.gov.cy/Treasury/treasurynew.nsf/All/oDF08A82BDCF0DBBC225841D0023483F?OpenDocument>)

It should also be noted that The Press and Information Office does not support the use of the term "state advertising" (question No 37) to describe its information campaigns, as it does not reflect its mandate, i.e., to provide essential information to citizens and taxpayers. Moreover, the PIO's information campaigns are not designed to produce revenue or profit, but rather to fulfil its public service obligations».

38. ***Safeguards against state / political interference, in particular:***

- ***safeguards to ensure editorial independence of media (private and public)***

Contribution from the Ministry of Interior: The same legislative safeguards apply. Editorial independence is safeguarded by the relevant legislative framework (Radio and Television Organization Laws and CyBC Law Chapter 300A) and there is no interference by the state to the journalists' and media work. Concerning both public service and private media, the law also provides that the editorial responsibility of audiovisual services is in no way affected by the content or programming of sponsorship or product placement.

The editorial independence of media, both private and public, is expected to be further enhanced with the enforcement of the European Media Freedom Act, which is pending for voting by the European Parliament in March 2024 and will be automatically applied in all member states.

- ***specific safeguards for the independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal), safeguards for their operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and***

opinions

Contribution from the Ministry of Interior: The same safeguards apply as the relevant legislation (Cybc Law Chapter 300A) which as mentioned above is in the process of being amended.

- ***information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licences, company operation, capital entry requirements, concentration, and corporate governance***

Contribution from CRTA: see input for the Questionnaire of 2023

39. Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners as well as any rules regulating the matter

Contribution from the CRTA: On the 28.7.2023, an amendment of the Radio and Television Broadcasters Law was passed by the Parliament on the initiative of Members of Parliament themselves. Specifically, Amending Law 87(I)/23 dated 28.7.23 amended Article 19 of Law 7(I)/98 on Radio and Television Broadcasters, which regulates - in conjunction with other articles of the Law - the ownership status of licensee broadcasters.

The main modifications concern:

1. The percentage of shares that a legal person or natural person of a Member State citizen can hold in a licensed company, which can be up to 100% under certain conditions.
2. The percentage of shares that a third country citizen can hold in a licensed company, which can be up to 10% under certain conditions.
3. The deletion of the restriction of kinship or spouses in holding shares in a licensed company.

In the specific article of the aforementioned Law, safeguards have also been added and/or maintained in order to avoid monopolies and/ or oligopolies in terms of concentration of shares in radio and TV broadcasters. E.g. A shareholder, whether natural or legal person that owns shares in a radio and/or television broadcaster of one media group, cannot own: (a) shares in a radio and/or television broadcaster of another media group or (b) a license of a radio and/or TV broadcaster of another media group.

B. Framework for journalists' protection, transparency and access to documents

40. Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists.

Contribution from the Ministry of Interior: It is firstly noted that we have no active alert for the Republic of Cyprus on the Council of Europe's Platform concerning the protection of journalism and safety of journalists.

Also, Cyprus was one of the first member states of the Council of Europe to actively engage in its campaign "Journalists Matter", which aims to raise awareness of the threats that journalists face and to advocate for their protection. The campaign also works to promote free and independent media.

41. Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

Contribution from the Police: The operational capacity of the Police to effectively policing protests and demonstrations, including towards enhancing the safety of the public in general and journalists, has significantly been enhanced during 2023, through the establishment of permanent special anti-riot squads within the Emergency Response Unit (Special Police Forces) and the provision of dedicated training.

42. Access to information and public documents by public at large and journalists (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

Contribution from the Information Commissioner: In addition to the contribution for the last Rule of Law Report (2023),

I Commissioner has decided to run a campaign in order to raise awareness for the right to access to information and inform the public regarding the application of the provisions of The Right to Access Public Sector Information Law of 2017 (L. 184(I)/2017). The Commissioner has already informed the Press and Information Office about the campaign's objective and is expecting the approval of the necessary funds to proceed with further actions.

43. Lawsuits (incl. SLAPPs – strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

Other – please specify

Contribution from the Union of Cyprus Journalists: According to the existing data there are currently legal proceedings against 5 journalists, mainly for libel and defamation. Some of them are old cases, for which the procedure at the court has not yet finished, and others are new

cases. In the case of one Journalist with extensive work related to corruption there are 5 lawsuits of this kind in process. In certain cases, the lawsuit is initiated by the affected party and in other cases the lawsuit is initiated by a third party encouraged by the affected parties. During 2023 there were no successful lawsuits against journalists.

IV. Other institutional issues related to checks and balances

44. Please provide information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the system of checks and balances (if applicable)

Contribution from the General Directorate for Growth/ Ministry of Finance: During the reporting period the General Directorate for Growth:

- Established the electronic platform for public consultations (<https://e-consultation.gov.cy/>),
- Trained and appointed personnel in all Ministries/Departments to manage the platform,
- Prepared a revised Public Consultation Guide based on European directives and the aforementioned recommendation, which will be submitted next week for approval,
- Ministerial Decision date 4.1.2024 for the operation of the e-consultation.gov.cy platform that invite all Ministries, Departments, and Services to use this platform for conducting public consultations, aiming to create a unified storage space.

A. The process for preparing and enacting laws

45. Framework, policy and use of impact assessments and evidence-based policy-making, stakeholders'"/public consultations (including consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase

Contribution from the General Directorate for Growth / Ministry of Finance: Regarding the process for preparing and enacting laws, see the word document attached.

46. Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions).

Contribution from the Parliament: There are no developments since the report of 2023

47. Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight.

Contribution from the Parliament: There are no developments since the report of 2023

¹¹ This includes also the consultation of social partners.

Contribution from the Supreme Court: The courts have the necessary constitutional and legal tools enabling them to exercise control over the legality of executive and legislative acts. The legitimacy of those acts is tested by the courts by the following methods: (a) By examining the alleged inevitable urgency and need to take emergency measures or the alleged exceptional circumstances that impose the need for restriction of enshrined individual rights, taking into account of course the broad powers of The Executive in this field, (b) by reviewing the legitimacy of the extent of those measures, based on the principle of proportionality. The measures should be proportionate to the situation at stake, (c) by exercising judicial review based on the principle of good administration, and (d) on the principle of equality, according to which dissimilar situations are not to be equated and arbitrary differentiations among same situations are not to be made, (e) by applying the principle of expected trust, i.e that the citizen is entitled to expect from the Executive and the Administration that his/her case will be handled in a fair and equitable manner, and (f) by applying the principle that all taxpayers contribute to the tax burdens, in accordance with their capacity (powers).

See also our previous Contributions

48. ***Regime for constitutional review of laws***

Contribution from the Supreme Court: In Cyprus, as in numerous democratic societies, the passage of legislation by the Parliament is governed by clearly defined limits aimed at preserving legality, human rights, and constitutional principles. These constraints cover essential elements, with a particular emphasis on the imperative alignment of enacted laws with the provisions of the Constitution. Any legislation that contradicts or violates fundamental principles or rights outlined in the Constitution may be challenged and deemed unconstitutional by the judiciary.

Furthermore, laws are mandated to conform to and safeguard human rights and fundamental freedoms as articulated in both international treaties and the domestic laws of Cyprus. There is a potential for legal challenges against laws that infringe upon these rights. The essential maintenance of the rule of law demands that legislation offers clarity, predictability, and equal application to all citizens. Typically, laws that are arbitrary, discriminatory, or retrospective are prohibited.

Considering Cyprus's global commitments, it is imperative that laws align with international obligations; any laws conflicting with international agreements or ratified treaties may be subject to legal examination. The division of powers among the legislative, executive, and judicial branches must be upheld; laws encroaching upon the jurisdiction of another branch may be subject to judicial review.

Laws criminalizing conduct must adhere to principles of legality, clarity, and proportionality, and excessively vague or broad criminal statutes can be deemed invalid. The presentation

of bills by Representatives that increase budgetary expenditure is prohibited.

Legal certainty is a fundamental principle, necessitating laws to be transparent and predictable to ensure individuals understand their rights and obligations; laws that are unclear or ambiguous may face challenges if they lead to confusion or unpredictability.

Legislation impacting economic and social rights, such as labor laws, should be fair and well-balanced to avoid exploitation and guarantee fair working conditions. It's crucial to acknowledge that the details of these significant constraints can be intricate and might be open to interpretation by the courts. The Judiciary plays a role in examining the constitutionality and legality of laws enacted by the Parliament, ensuring their compliance with these essential limitations.

Once a Bill receives Parliamentary approval, the President of the Republic is under a constitutional obligation to promulgate it. For legislation to acquire full force its promulgation must take place within 15 days of its transmission to the Presidential Office by publication in the Republic's Official Gazette in accordance with the provisions of **Article 52 of the Constitution**.

Within this time period however, the President may exercise his/her constitutional right to veto (on certain matters) under *Article 50*, his/her constitutional right to refer the said legislation back to Parliament for re-examination/reconsideration under **Article 51** and lastly, his/her constitutional right for structural, preventive scrutiny on issues of constitutionality under *Article 140*.

In the latter, the President of the Republic may make a reference to the Supreme Constitutional Court for an opinion on the constitutionality of the legislation at hand. Constitutionality in this context entails a thorough examination of the proposed act's compatibility with the constitution as well as with EU law and extends to well entrenched constitutional principles^[1], such as separation of powers, natural justice (*audi alteram partem*)^[2], proper administration and human rights^[3].

B. Independent authorities

49. Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions¹²

Contribution from the Ombudswoman/Commissioner for the Protection of Human Rights:
In the Republic of Cyprus, the Commissioner for Administration and the Protection of Human Rights has the mandate to act, inter alia, as a National Human Rights Institution

¹² Cf. the website of the European Court of Auditors: <https://www.eca.europa.eu/en/Pages/SupremeAuditInstitutions.aspx#>

(NHRI), Ombudsman Institution and Equality Body, but not as an audit institution. The shared authority/competence is exercised by the Auditor General of the Republic.

In relation to the mandate of the Commissioner to act as a NHRI, is noted that in October 2022, the Sub-Committee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions (GANHRI) examined Commissioner's application for re-accreditation as a NHRI and decided to upgrade the Institution to NHRI status A (from status B that was accredited in 2015). This way, the competent Subcommittee recognized that the Commissioner's mode of operation is fully compliant with the Paris Principles, which presuppose, among other things, the independence of the institution, the provision of sufficient resources and full control over them, as well as sufficient authority, based on the relevant legislation, to promote and protect human rights.

The relevant legislation setting out the capacity and powers of the Commissioner to act as a NHRI is Law no. 3(I)/1991 (the Law on the Commissioner for Administration) under which the Commissioner is designated as both an Ombudsman Institution and a NHRI.

The Law no. 3(I)/1991 provides, inter alia, that the Commissioner is an independent incumbent and his/her independence is reinforced by the provisions of the Law that guarantee that the Commissioner fulfils his/her mandate and powers in an independent, impartial and effective way, without interferences of any kind.

Additionally, even though the Commissioner is appointed by the President, based on the recommendation of the Council of Ministers, the final decision is upon the House of Representatives prior consent and approval. This procedure ensures the full independence of the Commissioner, since the Commissioner is the only Incumbent in Cyprus whose selection must be approved in advance by the majority of the Parliament and not directly appointed by the President.

It is noted that to further strengthening the independence of the Commissioner, in 2022, the selection and appointment procedure has been formalized with the issuance of a relevant binding decision by the Council of Ministers, with which specific binding rules regarding Commissioner's selection and appointment process have been set up (eg. public call by the Council of Ministers for expression of interest for the position prior to the expiry of the term of the Commissioner).

It is worth noting that the aforementioned selection and appointment procedure was applied for the first time in practice in 2023. Specifically, in April 2023, the President of the Republic of Cyprus reappointed Mrs. Maria Stylianou-Lottides as the Commissioner for Administration and the Protection of Human Rights (Ombudsman), for a six-year term, after the approval (by an overwhelming majority) of her nomination by the House of Representatives. This procedure was preceded by an open call for applications for the post,

for the first time, during which all interested persons applied for it, in accordance with the above-mentioned decision of the Council of Ministers.

Additionally, the Commissioner's independence has been further expanded with the approval by the Council of Ministers and the Parliament of the exclusion of the staff of our Institution to take the governmental exams and the Commissioner organizes specialized exams by an Advisory Committee set up by him/herself. Those who succeed in the examination are brought before the Public Service Commission and their recruitment is in accordance with the Commissioner's recommendation, based on a relevant assessment of their specific knowledge and experience. The said examinations have already been conducted in September 2022 in collaboration and coordination with a private University and with the said procedure, seven (7) staff members have been recruited in 2023. During 2020-2021 five (5) Officers were also recruited.

Regarding resources, is noted that every year, Commissioner's budget is prepared by his/her Institution upon their needs and also upon its strategic plan. The proposed budget is approved as a whole by the Parliament via its submission by the Ministry of Finance. This way, the Commissioner is provided with the necessary financial, technical and human resources to fulfil his/her broad mandate.

Following the approval of its budget, the Institution has absolute management and control of the appropriated funds.

The amount included in the budget is every year more than enough to meet the needs of the Institution, since it is prepared by our Institution upon our needs and the strategic plan. For this reason, in the last 10 years (at least), the entire amount included in the approved budget has never been spent, but by the end of each year, part of it remains unused.

Regarding the Commissioner's capacity and powers, is noted that his/her mandate for the promotion and protection of human rights as a NHRI, according to Law 3/1991, the Commissioner is, amongst others, specifically mandated to act accordingly, for the promotion and protection of human rights, their preservation or expansion in the Republic of Cyprus and the observance of these rights and fundamental freedoms by the administration.

In particular, the Commissioner has responsibility through the exercise of its own power as a NHRI, to submit opinions, recommendations, proposals and Reports in any situations of violation of human rights observed in the society, regarding the national situation of human rights in general and on more specific matters, as well as drawing the attention of the Government to situations in any part of the country where human rights are violated and making appropriate amending proposals.

Further to the reporting function of the Commissioner, as an Ombudsman Institution, that involves the examination of complaints and the submission of recommendations in cases where human rights violations or maladministration are observed and the submission of views and recommendations after ex-officio examination of issues relevant to his/her mandate.

With regard to the Commissioner's capacity and powers to act as an Equality Body, it is noted that they derive from Combating of Racism and Other Discrimination (Commissioner) Law (L.42(I)/2004). Therefore, the Commissioner, as an Equality Body, in addition to the powers and authority to investigate complaints, intervene ex officio and submit reports (as are described in Law 3/1991), additionally has, under Law L.42(I)/2004, the power to intervene in cases of discrimination or breaches of equality principles, not only in the public sector but also in the private sector activities, having the power to submit binding recommendations.

In addition to the above, the advisory and monitoring functions of the Commissioner in relation to the protection of the Charter rights, have been further expanded, within the framework of the Common Provisions Regulation (CPR) and the explicit reference that the provisions of the Regulation respect the fundamental rights and observe the principles recognised in particular by the EU Charter of Fundamental Rights.

Specifically, the Commissioner, under his/her mandates as a NHRI and Equality Body, has been entrusted by the Council of Ministers with a new responsibility in monitoring fundamental rights compliance in the implementation of EU funds in accordance with the new mechanism established under EU law.

To this direction, the Commissioner, in line with his/her independence from the State, provides guidance to the Managing Authority/Intermediate Body in the decision making as regards to the compliance of the co – funded Programmes with the provisions of the Charter and the UNCRPD at all stages of the implementation of EU Funded Programmes.

In particular, the Managing Authority / Intermediate Body is obliged to submit each project/grant aid to the Commissioner for guidance on its compliance with the provisions of the Charter of Fundamental Rights of the European Union and the UNCRPD in accordance with our legal framework. It is also responsibility of the Managing Authority/Intermediate Body, during the evaluation process of the programmes under its area of responsibility, to examine whether the relevant guidance of the Commissioner is followed for the compliance of the programmes with the Charter and CRPD, prior to the official approval of the programme. In case it does not, funding suspension or interruption payment mechanisms or revoke of the initial approval of programme need to be mobilised.

50. Statistics/reports concerning the follow-up of recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years.

Contribution from the Ombudswoman/Commissioner for the Protection of Human Rights: CAs is mentioned in the Annual Report for the year 2022, during 2022, the examination of 3,127 complaints was completed.

In 2,119 cases there was compliance by the involved Authorities/Services following the intervention of the Commissioner, without the need to submit a relevant Report, i.e. the compliance rate was approximately 87%.

During 2022 the Commissioner submitted 171 Reports / Ex Officio Interventions and the compliance rate of the involved Authorities/Services was approximately 53%. For approximately 22% of these Reports/ Ex Officio interventions, the involved Authorities/Services have already informed the Ombudsman Office that they have taken or intend to take measures in line to Commissioner's recommendations and thus their compliance is imminent or will be implemented in the future

Furthermore, 716 complaints, after being examined, were found not to be within the Commissioner's remit and the complainants were informed accordingly.

The relevant statistics for the year 2023 are not yet complete and will be in our Annual Report for the year 2023, the preparation of which has already begun.

C. Accessibility and judicial review of administrative decisions

51. Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

Legal Service Contribution: see input for the RoL Questionnaire 2023.

52. Judicial review of administrative decisions:

- short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review).

Contribution from the Supreme Court: In this context and pursuant to Article 146 of the Constitution, acts, decisions and omissions of regulatory authorities, emanating from the exercise of powers in the public domain, are amenable to judicial review, before the Administrative Court at first instance and before the Appeal Court on appeal. *The Supreme Constitutional Court will act as the supreme administrative court ("on referral from the Court*

of Appeal, an appeal against a decision of the Administrative Court on a matter of public law of major public interest or of general public importance).

53. Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)

Contribution from the Supreme Court: The procedure for the preliminary ruling was provided in the Procedural Rule of the Supreme Court of 2008. The new Civil Procedure Rules have also incorporated the procedure for the Preliminary ruling

54. Follow-up by the public administration and State institutions to final (national/supranational, including the European Court of Human Rights) court decisions, as well as available remedies in case of non-implementation

Contribution from the MJPO: Ministry of Justice and Public Order always complies with the administrative court decisions. If, according to the latter, the decision of the administration is annulled, the Ministry proceeds to the review of the administrative act in order to comply with res judicata on the basis of the actual legal regime in place at the time of the adoption of the annulled administrative act.

In parallel, if the Ministry disagrees with the first instance court decision, has the right to file an appeal. Since the filing of an appeal does not suspend the validity of the contested court decision, there is also the right to ask for the suspension of the validity of the annulling decision in view of the hearing of the appeal.

For some years now, a bill is pending before the competent Parliamentary Committee of Legal Affairs providing for sanctions in case an authority violates the obligation to comply with court decisions. Following many discussions on that bill, the Legal Service of the Republic raised many legal and practical problems. That is the reason that the Ministry of Justice and Public Order studied alternate solutions in order to overcome the problems raised by the Legal Service of the Republic.

That is the reason that the Ministry of Justice and Public Order has now prepared another bill that amends the Law on the General Principles of Administrative Law (Law 158(I)/1999) in order to regulate the matter of compliance of the Administration with Court's decisions. More specifically, the said bill provides for the possibility of imposition of penalties by the Court in case of non-compliance and also for the possibility of the provision of Court's directions to the Administration, as to the appropriate manner of compliance with its decision. The bill will be placed for consultation to all stakeholders and then it will be forwarded to the Legal Service of the Republic for its legal vetting.

Contribution from the Legal Service: see input for the RoL Questionnaire 2023.

D. The enabling framework for civil society

55. Measures regarding the framework for civil society organizations and human rights defenders (e.g. legal framework and its application in practice incl. registration and dissolution rules)

Contribution from the Ministry of Interior: The Ministries of Interior and Education, Sport and Youth, following a series of deliberations, decided to introduce a new law that would be regulating the registration and administration of non-profit organizations (NPOs) that are involved in and promote sports (i.e. sports clubs, sports federations etc.). The reasoning behind this decision is that was acknowledged in practice that the administration of sports NPOs need to be substantially different than the administration of the other NPOs (e.g. civil society organizations, NPOs that promote culture etc.). It is widely acknowledged that sports NPOs are high risk organizations for money laundering issues. Thus the introduction of a new specific law aiming to regulate sports NPOs, on the one hand will ensure the implementation of enhanced risk assessments and due diligence checks for this high risk group of NGOs, and on the other hand it is expected to ease the pressure imposed on NPOs in general regarding risk assessments and due diligence checks.

The abovementioned decision of the Ministries of Interior and Education, Sport and Youth was ratified by the Council of Ministers on the 20th December 2023. Moreover, the Council of Ministers authorized the Ministries of Interior and Education, Sport and Youth to formulate a working group that will produce the new law. Apart from the two Ministries, the Law Commissioner and the Cyprus Sports Association will be participating in the working group. The new law will be drafted by the working group and finalized after a public consultation process.

Finally, the Council of Ministries noted that is expecting the submission of the new law by April 2024.

56. Rules and practices having an impact on the effective operation and safety of civil society organizations and human rights defenders. This includes measures for protection from attacks - verbal, physical or on-line -, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organizations, etc. It also includes measures to monitor threats or attacks and dedicated support services.

Contribution from the Ministry of Interior: The Constitution of the Republic of Cyprus guarantees the right of expression of each person, as well as their security. Furthermore, the Societies and Institutions and Other Relevant Matters Law of 2017 (104(I)/2017) provides expanded freedoms to individuals to form and participate in NGOs and the conditions are only related to financial transparency and democratic decision-making.

57. Organization of financial support for civil society organizations and human rights

defenders (e.g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

Contribution from the Ministry of Interior: The basic factor for the inclusion of an NPO in ensuring access to funding, either by the State or by third parties, is its registration as a legal entity. The registration of an NPO as a legal entity is regulated and controlled by the provisions of the Societies and Institutions and Other Relevant Matters Law of 2017 (104(I)/2017) or Chapter 113, accordingly. The relevant legislation does not provide for any limitation on funding, unless the statute of the NPO states otherwise. The Ministry of Finance handles separate legislation regarding the tax exemption of NPOs based on specific criteria.

58. Rules and practices on the participation of civil society organizations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

Contribution from the Ministry of Interior: In March 2023 the Ministry of Interior participated in an important event the purpose of which was to engage NPOs in the outreach promoted by the FATF model and to provide risk training (for Money Laundering and Terrorism Finance) to NPOs. Prior to the event, research was conducted among a significant number of NPOs, primarily focusing on their interaction with the Ministry of Interior. The meeting culminated in an agreement to establish an advisory committee, consisting of the Ministry of Interior and representatives from the NPOs.

This committee has already convened in October 2023. The purpose of this meeting was to discuss the use of the NPOs digital platform. The NPOs digital platform was introduced and it is run by the Ministry of Interior and the purpose of the platform is to facilitate the process for the NPOs of delivering to the District Offices their annual reports. The procurement of these annual reports is provided for in Article 10 of the Societies and Institutions and Other Relevant Matters Law of 2017 (104(I)/2017).

As a result of the meeting the representatives of the NPOs provided a list of suggestions for the better development of the platform and the Ministry of Interior will make every effort in order to accommodate the NPOs' suggestions.

In any case, the Ministry of Interior purposes to continue the meetings on a regular basis.

E. Initiatives to foster a rule of law culture

59. Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives, etc.) OAOI

Contribution from the Ombudswoman/Commissioner for the Protection of Human Rights:

Following an invitation from the European Union Agency of Fundamental Rights (FRA), the Commissioner for Administration and the Protection of Human Rights submitted a successful proposal, to participate, as Cyprus's National Human Rights Institution (NHRI), in a regional Project that aims to provide support to NHRIs of member states of the European Union, in monitoring fundamental rights and the fundamental rights aspects of the rule of law.

The participants to the Project, which is funded by the EEA and Norway Grants, are the FRA, as lead partner, and the NHRIs of Cyprus, Slovenia, Slovakia, Poland, Croatia, Bulgaria and Latvia, as beneficiary partners. Also, the European Network of National Human Rights Institutions (ENNHRI) participates in the Project as an expertise partner.

The Project, which is expected to be completed by February 29th 2024, covers the following three (3) Work Packages:

Work Package 1: «Enhancing the use of the EU Charter of Fundamental Rights by NHRIs and strengthening their role in its enforcement at national level, including by building the capacity of NHRI staff in using EU fundamental rights law in their work».

Work Package 2: «Strengthening NHRIs' capacity in monitoring fundamental rights and the rule of law, by increasing their engagement with relevant EU mechanisms and by promoting national dialogues on fundamental rights and the rule of law».

Work Package 3: «Developing the capacity of NHRIs to monitor fundamental rights compliance in the implementation of EU funds, as foreseen by newly applicable EU law».

For the purposes of the implementation of the Project, it is planned to carry out studies and draw up a number of Reports with relevant recommendations, in relation to the following topics:

- The present fundamental rights situation in Cyprus, and the potential for strengthening it through a stronger use of the EU Charter of Fundamental Rights.
- An overview of the essential national human rights structures, their mandates and scope of action, including their interlinkages with EU frameworks and international human rights mechanisms.
- The use of Charter in Cyprus and a collection of promising practices and examples on how the Cyprus NHRI has engaged with the Charter.

- Analysis and guidance on how the NHRI may exercise its role in monitoring fundamental rights compliance in the implementation of EU funds in Cyprus.

The Project also provides for the organization of educational/training seminars regarding the application of the EU's human rights Law and, in particular, the EU Charter of Fundamental Rights. The seminars will be offered to both staff of the Office of the Commissioner for Administration and the Protection of Human Rights, and, to other target groups that have been identified (such as legal practitioners and Officers of selected Public Authorities).

It is pointed out that FRA, as the lead partner, oversees the overall implementation of the project, promotes cooperation between the partners and provides advice and guidance to participating NHRIs on project activities and outputs.

Within the framework of the project, the following actions and activities have been carried out and/or are planned to be implemented in order to strengthen the Rule of Law culture:

- Organization of a Media Campaign, with an emphasis on social media, which aims to inform and raise awareness of the Cypriot society about the existence of the EU Charter of Fundamental Rights, the specific fundamental rights that it protects and the ways that it can, in practice, "make a difference" in the lives of citizens.

For the purposes of implementing the media campaign, the preparation/production of media messages was provided, which can reach the wider society both through print and electronic/digital means of communication

- Organization of a number of capacity building training seminars that aim **to enhance the knowledge and ability of a specific target groups identified, to implement the EU Charter of Fundamental Rights in their respective line of work and competence.**

Specifically, the organisation of the following five (5) seminars has been provided:

- Two (2) capacity building training seminars to **Officers of the Office of the Commissioner for Administration and Protection of Human Rights.** The seminars were conducted on Friday 24/11/2023 and Monday 27/11/2023.
- One (1) capacity building training seminar to **Officers of Public Authorities.** The seminar will emphasise in enhancing the capacity of the participants to implement EU funded projects, in line with the Union's fundamental rights law. The seminar was conducted on Tuesday , the 12/12/2023

- One (1) capacity building training seminar to private **Lawyers**.

The seminar has been scheduled for Tuesday 30/1/2024 and will be co-organised with the *Cyprus Bar Association*.

One (1) capacity building training seminar to Cypriot **Judges**. The seminar has been provisionally scheduled for Monday 12/2/2024 and will be co-organised with the *Cyprus School of Judges*.

The conducting of the training in the first four (4) capacity building seminars has been assigned to Dr Katerina Kalaitzaki, Lecturer in EU Public Law at the University of Central Lancashire (Cyprus). The conducting of the training in the final capacity building seminar, targeting Cypriot Judges, will be assigned to an expert Judge from abroad.

- ◆ Preparation of a **Baseline Report on the potential for strengthening the fundamental rights situation through a stronger use of the Charter**

- ◆ Preparation of a Report regarding “Collecting promising practices on NHRI’s Charter use”.

- ◆ Preparation of a Report “Mapping of national human rights structures in Cyprus”.

- ◆ Preparation of a Report “The role of national bodies with a human rights remit in ensuring fundamental rights compliance of EU funds”.

Further to the above, it is noted that on December 12, 2023, before the beginning of the capacity building seminar, an event was held on "From the Universal Declaration of Human Rights to the EU Charter of Fundamental Rights: implementation and challenges". The event was opened by the Commissioner for Administration and Protection of Human Rights and the Minister of Justice and Public Order. Subsequently, a presentation of the Project on Support to National Human Rights Authorities, its objectives and deliverables was given.

As part of the event, a booklet with the content of the Charter of Fundamental Rights of the European Union was handed out to all attendees and the short film that has been prepared for the purposes of the Media Campaign was broadcasted for the first time.

Other - please specify