I. Justice System

1. ***Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the justice system (if applicable)***

The concerns expressed in the Rule of Law Reports are always taken into serious consideration. In the 2021 Rule of Law Report, the European Commission indicated to the Government Cyprus to consult with the Venice Commission on the proposed justice reform, in order to have reassurance that the proposed reform guarantees judicial independence and takes into account, inter alia, Council of Europe recommendations.

The recommendations and concerns expressed in the 2022 Rule of Law Report, as a result of the Opinion of the Venice Commission of December 2021, have also been taken into consideration. The Minister of Justice and Public Order since December 2021 has taken actions directed by the report's recommendations, within the legal limits delineated by the Constitution, which it is admittedly a rather rigid constitution connected to the Treaty Establishing the Republic of Cyprus, with a list of fundamental Articles that cannot be amended. Therefore, for some of the recommendations of the Venice Commission, the effort was focused on accepting the recommendations to the extent that it would not go beyond the limits of constitutionality. It is pointed out that the Venice Commission, submitting its recommendations in the Opinion, stated that these are done without entering into the issues of constitutionality, something that is not within the scope of its powers and which the Minister of Justice and Public Order referred to in her interventions during the consultations she had with the Venice Commission.

According to the Constitution, the appointment of the President and the Judges of the Supreme Constitutional Court, as well as of the Supreme Court are prerogatives of the President and Vice President (Turkish Cypriot) of the Republic. The two Articles providing this, are, under our Constitution, fundamental, meaning that they cannot be amended in any way.

Since 1963, the relevant appointments are being made by the President, according to the law of necessity. However, it is important to note that following a well-established practice, all the Presidents of the Republic, before exercising this right have always consulted the Judges of the Supreme Court, who submitted their recommendations as to who should be appointed to fill in Supreme Court vacancies. Usually, their recommendations were based on seniority of existing first instance Judges and were always endorsed by the President (with only one exception in 1997). Experience so far clearly demonstrates that this practice has worked well over the years, being supported by the members of the Supreme Court, as well.

It is noteworthy that the Venice Commission in paragraph 35 of its Opinion accepted that the existing practice, which is codified in the legislation, depoliticizes the process, and therefore it is not in violation of the international and European Standards: "The fact that the executive power, i.e., the President of the Republic, appoints the judges is thus not in violation of international and European standards. The Commission is mindful in this respect that the above-mentioned 'convention' has ensured extensive depoliticization in practice. The Commission welcomes the effort to codify this unwritten 'convention' in the law".

Also, quoting from the Report on judicial appointments, adopted by the Venice Commission at its 70th Plenary Session, in March 2007, "In older democracies the executive power has sometimes a decisive influence in judicial appointments. Such systems may work well in practice and allow for an independent judiciary because these powers are restrained by legal culture and traditions, which have grown over a long time" (paragraphs 5 and 45).

It is also pointed out, that the legislation not only codifies this well-established and respected by all practice, but also provides for the enrichment of the Judicial Advisory Council with other relevant actors, as per the recommendation of the Venice Commission (see below para. 8).

It is very important to clarify that, according to the Constitution, the President of the Republic is not involved in any other appointment concerning other court judges. The Judges, except Supreme Court Judges, are appointed and promoted under the existing system by the Supreme Council of Judicature, a judicial body, with no participation or role from the Executive, whatsoever.

It is underlined and stressed that the Cyprus Judiciary has always enjoyed a reputation of impartiality and independence.

The above-mentioned clarifications alleviate the **concern** expressed in the report, namely that **"the list of the Advisory Judicial Council would not be binding on the President"**. There is no reason to believe that the practice in place for years which has admittedly worked very well, as also acknowledged by the Venice Commission, will not continue to be successfully followed.

In relation to the **composition of the Advisory Judicial Council,** under the new legislation, this **has been expanded** in accordance with the Venice Commission's recommendation to

the extent that it does not create a serious problem for constitutional overturning. In particular, **the Attorney General of the Republic will participate without the right to vote,** something that the Venice Commission seems to accept and at the same time being within the framework and limits of constitutionality.

Also, **the composition of the Council has been further expanded compared to the bills.** The bills were further amended during the Plenary of the House of Representatives. Upon consultations that preceded the Plenary, it was agreed to enlarge, both the composition of the Advisory Judicial Council, as well as of the Supreme Council of Judicature. Thus, the composition of both Councils is now enriched with two further advocates at the highest professional level, holding the qualifications for appointment as judges of the Supreme Court. The advocates are appointed on the recommendations of the Cyprus Bar Association and upon approval of the Supreme Court. It is noted, nonetheless, that the two new members do not have a right to vote, as is the case with the other non-judicial members of the Councils, for the same constitutional reasons that non-judicial members cannot vote.

By this way, the provisions of the laws adhere even more closely to the Venice Commission recommendations, avoiding at the same time the issues of constitutionality.

The **concerns** for the provision for **a graduated recommendation by the Advisory Council to the President** and that **the President would need to give reasons in writing when he takes any decision which does not follow the recommendation of the Council**, could not be adopted. This is based on the same reasoning, as it was considered to constitute a limitation to the constitutional right of the President of the Republic, which is regulated in fundamental Articles of the Constitution that cannot be changed, without creating a possible risk to jeopardize the whole reform.

The **concern** expressed that **an unsuccessful candidate should have the right to challenge the decision of the Advisory Judicial Council**, also could not be adopted. According to the legislation, **the preparatory acts leading to the final decision cannot be challenged.** The Cyprus legal system does not provide a legal basis to challenge advisory recommendations. This is because Article 146 of the Constitution allows the judicial review only for the enforceable administrative acts, excluding the review of any preparatory act.

As regards the final decision of the President to appoint the Supreme Court Judges, this is considered as "acts of government", which are not susceptible to judicial review. So, even if the Ministry of Justice and Public Order proceeded with the adoption of the

recommendations, this would not have any practical impact or any added value, as the appointments could not, in any way, be challenged and judicially reviewed.

Finally, as regards the **first recommendation**, the **concern for the provision of pre-existing, clear and transparent criteria for appointment that would be binding on the Council,** this is already in place, since it is noted that the relevant law provides for the qualifications that as a Judge of the Supreme Constitutional Court or as Judge of the Supreme Court, the candidate must: be of a high moral standard and have at least twelve years of professional practice, either as a lawyer or as a judge.

The law further provides that for the appointment of a Judge in the Supreme Constitutional Court, the broad knowledge of the appointed person in matters of constitutional and administrative law and/or in European Union and/or human rights law, or his experience in handling such cases, is taken into account.

Furthermore, the law provides that for the appointment of a Judge in the Supreme Court, the broad knowledge of the appointed person in matters of criminal law and/or European Union and/or human rights law, or his experience in handling such cases, is taken into account.

It should be noted that all judges of the current Supreme Court have been appointed by the President of the Republic, following their choice, as recommended by the Venice Commission and incorporated to the law, to undertake duties as Judges of each Supreme Court, respectively, as of 1st July 2023, as also provided by the new law.

The **second recommendation concerning the composition of the Supreme Council of the Judicature** was also taken on board, with **the Attorney General of the Republic to participate to the Supreme Council of the Judicature, without the right to vote**.

Furthermore, as already mentioned above, the composition of **the Supreme Council of the Judicature has been further expanded compared to the bills**. According to the new laws, the composition of the Council is now enriched with two further advocates of the highest professional level, holding the qualifications for appointment as judges of the Supreme Court. The advocates are appointed on the recommendations of the Cyprus Bar Association and upon approval of the Supreme Court. It is noted, nonetheless, that the two new members do not have a right to vote, as is the case with the other non-judicial members of the Councils, for the same constitutional reasons that non-judicial members cannot vote. By this way, the provisions of the laws adhere even more closely to the Venice Commission recommendations, avoiding at the same time the issues of constitutionality.

However, the **suggestion to have the judicial members elected by their peers, instead of selecting them by seniority**, cannot be applicable, because according to the Constitution, the members of the Supreme Court are the members of the Supreme Council of the Judicature. This means that they are ex officio members of the Council, based on a fundamental Article of the Constitution that cannot be amended.

In conclusion, the Minister's effort was focused in adhering as closely as possible to the recommendations of the Venice Commission and therefore to the recommendations of the Rule of Law Report of 2022, while at the same time ensuring the necessary consensus between the involved bodies, mainly the Supreme Court, the Cyprus Bar Association and the political parties and preserving the constitutionality of the provisions of the new laws, avoiding possible constitutional challenges, in order to achieve the adoption of a radical and well-needed justice reform that promotes check and balances, quality of decisions and timely administration of justice.

It should be noted that the Venice Commission seems to acknowledge the constitutional implications, stating in paragraphs 55 and 61 of the **Opinion of the Venice Commission,** that **"It is not in the remit of this opinion to assess the constitutionality of the proposed reform".**

It is noted that the Ministry of Justice and Public Order has contacted the Venice Commission and informed them of the recommendations that could not be adopted and the underlined reasons.

A. Independence

2. Appointment and selection of judges4, prosecutors and court presidents (incl. judicial review)

Assignment of the current SC justices to the new SC or the SCC

The newly enacted Legislation specifies that the current SC judges shall continue as either a member of the SCC or the new SC "under the same conditions of service as before".

It also specifies that SCC judges and SC judges shall have the same salary.

The individual justices of the current SC are free to choose between the SCC and the new SC as concerns the continuation of their duties.

The Advisory Judicial Council

Under the newly legislative amendments, the power of the President of the Republic to appoint the judges of the SCC and the new SC would remain unaltered, which – at least in part – is a consequence of the unamendable constitutional provision.

However, it is provided for the setting up of **the Advisory Judicial Council**, "an independent Council" which will act as an advisory body to the President on the suitability of candidates for appointment as Judges of the Supreme Constitutional Court and the Supreme Court with the aim to enhance and give legislative force to the above-described well-established practice currently in place as part of Cypriot legal culture and tradition.

If a **vacancy arises in the SCC**, the Advisory Judicial Council would *be composed* of the President of the SCC as the chairman of the Council, the members of the SCC, the Attorney General, the President of the Bar Association and two lawyers (members of the Bar Association of recognized standing) attending in a non-voting capacity.

If a **vacancy arises in the new SC**, the Council would be *composed* of the President of the SC as the chairman of the Council, the members of the SC, the Attorney General and the President of the Bar Association and two lawyers (members of the Bar Association) attending in a non-voting capacity.

The **Advisory Council**[1] shall ***prepare a list of candidates deemed suitable for appointment,*** the number of whom shall be at least three times the number of vacancies. It shall prepare evaluation reports for each of the candidates and present its list to the President in alphabetical order, i.e. the Council would not rank the candidates.

The Supreme Council of Judicature (SCJ) [2]

With the enactment of the new Legislation, the provisions regulating the ***SCJ*** which is the body responsible for all other judicial appointments have also been amended. According to Article 157 of the Constitution, the "High Court shall be the Supreme Council of Judicature".

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[1] *At the moment there is a transitional advisory board which is composed of all the members of the current Supreme Court, Attorney General, the President of the Bar Association and two lawyers of recognized standing, attending in an advisory non-voting capacity.*

[2] *At the moment there is a transitional SCJ which is composed of all the members of the current Supreme Court, Attorney General, the President of the Bar Association and two lawyers of recognized standing, attending in an advisory non-voting capacity.*

Vacancies for judicial office are publicly announced and published after which interested candidates may submit their application within a specified period of time and may be invited for an oral interview by the SC.

It should be noted that as part of the holistic judicial reform – the SC had introduced since 2019 detailed and transparent eligibility criteria for appointment of judicial officers. Under the new Bill, this procedure will remain unaltered.

However, with the new Legislation the ***composition of the SCJ has been changed***. The new SCJ will consist of the judges of the Supreme Court with the Attorney General, the President of the Bar Association and two lawyers of recognized standing, attending in an advisory non-voting capacity.

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)

By virtue of Article 157 of the Constitution and section 10 of Law 33/64 the appointment, promotion, transfer, termination of appointment dismissal and disciplinary matters of judicial officers are within the exclusive competence the Supreme Court of Judicature.

The Council which is responsible for trying cases of misconduct against the President and Members of the Supreme Court and other High Officials of the Republic is different from the Supreme Council of Judicature, but it is composed of the same people, i.e. the President of Members of the Supreme Court, unless one of them is the "accused".

With the enactment of the new Legislation, the provisions regulating the Supreme Court of Judicature have been amended.

See also our previous Contribution to the Report of Law (2022) on matters of the independence of the judiciary in Cyprus.
See also our Answers in Questions 4 and 17 below.

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

Under the newly legislative amendments, the power of the President of the Republic to appoint the judges of the Supreme Constitutional Court (SCC) and the new Supreme Court (SC) would remain unaltered, which – at least in part – is a consequence of the unamendable constitutional provision.

- **The Advisory Judicial Council**

However, it is provided for the setting up of the Advisory Judicial Council, "an independent Council" which will act as an advisory body to the President on the suitability of candidates for appointment as Judges of the Supreme Constitutional Court and the Supreme Court with the aim to enhance and give legislative force to the above-described well-established practice currently in place as part of Cypriot legal culture and tradition.

If a vacancy arises in the SCC, the Advisory Judicial Council would be composed of the President of the SCC as the chairman of the Council, the members of the SCC, the Attorney General, the President of the Bar Association and two lawyers (members of the Bar Association of recognized standing) attending in a non-voting capacity.

If a vacancy arises in the new SC, the Council would be composed of the President of the SC as the chairman of the Council, the members of the SC, the Attorney General and the President of the Bar Association and two lawyers (members of the Bar Association) attending in a non-voting capacity.

The Advisory Council[3] shall prepare a list of candidates deemed suitable for appointment, the number of whom shall be at least three times the number of vacancies. It shall prepare evaluation reports for each of the candidates and present its list to the President in alphabetical order, i.e. the Council would not rank the candidates.

- **The Supreme Council of Judicature (SCJ)** [4]

With the enactment of the new Legislation, the provisions regulating the SCJ which is the body responsible for all other judicial appointments and promotion of judges have also been amended. [5]

[3] *At the moment there is a transitional advisory board which is composed of all the members of the current Supreme Court, Attorney General, the President of the Bar Association and two lawyers of recognised standing, attending in an advisory non-voting capacity.*

[4] *At the moment there is a transitional SCJ which is composed of all the members of the current Supreme Court, Attorney General, the President of the Bar Association and two lawyers of recognised standing, attending in an advisory non-voting capacity.*

[5] *According to Article 157 of the Constitution, the "High Court shall be the Supreme Council of Judicature".*

Vacancies for judicial office are publicly announced and published after which interested candidates may submit their application within a specified period of time and may be invited for an oral interview by the SC.

It should be noted that as part of the holistic judicial reform – the SC had introduced since 2019 detailed and transparent eligibility criteria for appointment of judicial officers. Under the new Bill, this procedure will remain unaltered. See our previous Contributions to the Rule of Law (2021) and (2022).

However, with the new Legislation the composition of the SCJ has been changed. The new SCJ will consist of the judges of the Supreme Court with the Attorney General, the President of the Bar Association and two lawyers of recognized standing, attending in an advisory non-voting capacity.

5. Allocation of cases in courts

The relevant amendments of legislation regarding the establishment of the Appeal Court contain transitional provisions regarding appeals that are already pending before the current Supreme Court.
Broadly speaking, appeals filed after a date to be specified by the current Supreme Court[6] will be referred to the new Court of Appeal, while appeals filed before that date, will be tried, in the case of civil and criminal appeals by the new Supreme Court and with respect to revisional appeals by the Supreme Constitutional Court.
The Court of Appeal is expected to try 3149 cases of which 2158 are civil appeals filed since 1 January 2018; 233 are criminal appeals, 688 are administrative review appeals filed since 1st of January 2019 (582 against a decision of a judge of the Administrative Court and 106 against a decision of a judge of the Administrative Court for International Protection) and 70 civil applications regarding primary jurisdiction to issue prerogative writs.

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)

[6] *(When a new case is submitted to the Supreme Court Registry, it is assigned among the benches in accordance with the turn of each bench. In the beginning of each judicial year, the Supreme Court decides the benches of Justices and the appeals are assigned to those benches based on the appeal's number and the date of filing to the registry.*

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)

See our Answers in Question 3 above.

Also see our previous Contributions to The Rule of law Report (2022) regarding matters on independence, separation of powers, accountability and ethical rules.
Moreover it should be pointed out that the newly enacted Legislation specifies that the current SC judges shall continue as either a member of the SCC or the new SC "under the same conditions of service as before".

It also specifies that SCC judges and SC judges shall have the same salary.
The individual justices of the current SC are free to choose between the SCC and the new SC as concerns the continuation of their duties.

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

Revision of scales for the increase of remuneration of the Attorneys of the Republic, Senior Counsels of the Republic and Counsels of the Republic A, took place in 2020.

According to the said revision this increase equated the remuneration of the Attorneys of the Republic, Senior Counsels of the Republic and Counsels of the Republic A to the remunerations of the Judges of the District Courts as follows:

Attorneys of the Republic are equal to the presidents of the District Courts

Senior Counsels of the Republic are equal to the Senior Judges of the District Courts

Counsels of the Republic A' are equal to the Judges of the District Courts.

9. Independence/autonomy of the prosecution service

The prosecution authorities continue to improve their capacity. The adoption of the draft legislation concerning the independence of the Law Office of the Republic of Cyprus, has been reformed in order to address the concerns of the Ministry of Finance and was resubmitted in 2022. The revised draft legislation aims at the total autonomy of the Law Office of the Republic derived from the Constitution of the Republic, as well as the

evaluation reports of committees, such as the Committee of Member States against Corruption – GRECO, in such a way that the independence of the Law Office will be further strengthened by the guarantee of the impartiality of its employees and the strengthening of the Rule of Law.

Recently, on the 18th of July 2022, the Attorney General (AG)communicated with the Permanent Secretary of the Ministry of Finance, and the latter informed the AG that the said draft bill is still pending at the Ministry of Finance.

At present, 34 vacant permanent positions are still available and are evolving towards completion, that is 5 Attorneys of the Republic, 15 First entry Counsels of the Republic, 1 Senior Public Prosecutor, 10 First entry Public Prosecutors, and 3 Officers at the Financial Intelligence Unit (FUI). The current number of Permanent Counsels at the Law Office of the Republic is 150, 10 Lawyers with a contract of indefinite duration (open-ended contracts) and 19 Lawyers with fixed term employment contracts.

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

The Cyprus Bar Association is an independent and non-political body. Steps have been taken to enhance disciplinary mechanisms, AML and KYC mechanisms with the addition of new personnel enhancing the relevant department(s). Investigations have become more efficient as a result of the recent amendment of Advocates Law Cap. 2, 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.

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

See our previous Contribution to the Report on the Rule of Law 2022 in relation to the Steps taken to deal with the **backlog of cases .**

In addition, on the 25th of November 2022, the Supreme Court issued the Hearing of Delayed Cases (Special) Procedural Rules (amended on 23rd of December 2022)
The Rules apply to all pending cases between the years 2014-2018 for which the hearing has not begun.

A brief outline of the most important provisions is outlined below:

Firstly, it is specified that for cases for which no application for hearing has been filled, the Registrar of the Court will give notice to the parties or to their lawyers requiring them to

apply within 10 days of receiving the notice, otherwise the action shall stand dismissed for want of prosecution following by an order ratified by the judge.

An application for reinstatement of the case can be filled and if there are sufficient and good reasons justifying the untimely filling of an application for hearing, the judge may well reinstate the case.

Secondly, it is stipulated that for cases that are fixed for hearing, before the filing of any interim applications, prior leave by the judge must be obtained. An application for leave is made orally before the judge who in exercising his/her discretion will decide whether it is for the best interest of justice to be granted.

Moreover, the said Rules provide the Judge with greater case management powers. For instance, it is the Court that will make a witnesses' list and set the time framework for the examination and cross examination of those witnesses.
According to the said Rules, the trial of these cases may be based solely on the written evidence filed or in conjunction with oral evidence.

Lastly, it is worth mentioning that during the hearing of the case, filling of an appeal against an interim judgment or an order is not allowed. However, the parties in their appeal against the final judgment have the right to include and contend any interim judgment or order that has affected the course of the trial and in effect its outcome.

B. Quality of justice5
*12**. Accessibility of courts (e.g. court/legal fees, legal aid, language).***

See our previous Contribution to the Rule of Law Report (2022).
See also our Answer in Question 17 below.

By the 17th Constitutional Amendment[7]and the enactment of the two separate pieces of legislation aimed at reforming the judicial system the Supreme Court (SC) will be repurposed 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

[7] *The Seventeenth Amendment to the Constitution Act of 2022 (L. 103(I)/2022) regulates the reform and modernization of the top tier of the judicial system by providing for the separation of the current Supreme Court of Cyprus (composed of a President and 12 judges) into a Supreme Constitutional Court and a "new" Supreme Court with more limited jurisdiction than the current Supreme Court.*

and criminal cases. The Supreme Court maintains exclusive jurisdiction over issuing writs of habeas corpus and writs of certiorari.
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 Court[8] 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/material6)
See our previous Contribution to the Rule of Law Report (2022)
Moreover, the initiation of the project for the establishment of an Independent Court Service was marked by an online Kick-off meeting on 18 February 2021 and was completed at the end of September 2022.

- **The establishment of an Independent Court Service**

The project is co-funded by the European Union via the Technical Support Instrument and implemented by the Council of Europe in cooperation with the European Commission. The Institute of Public Administration (IPA), Ireland, has been selected to undertake the project and to provide consultancy in courts management and administration for the establishment of an independent Courts Service of Cyprus.

The extra-judicial burden of the Supreme Court will be alleviated to a significant extent by the establishment of an independent court service responsible for the management and administration of the courts in Cyprus.

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

One of the main recommendations of the Functional Review (2018) was that, in order to address the ongoing management and administrative challenges, an independent body be established to undertake the management and administration of the courts in Cyprus:

"It is recommended that the Courts Service of Cyprus, be established to manage and support the operations of the courts. This will represent a first, but very important, step in the modernization of the Cypriot courts system. The Courts Service of Cyprus will have a Chief Executive and management team, and a new streamlined structure to focus on operational and support functions. As the judicial system represents the third arm of government in Cyprus, it is important that any new governance model for the management and administration of the courts ensures the continued independence of the judiciary in the exercise of their judicial function." (18, 2018)

- **Implementation of the New set of Civil Procedure Rules**

It is worth mentioning that by September 2023, a new, fully-fledged set of Civil Procedure Rules, already approved by the Supreme Court and published, are expected to enter into force.
One of the major aims of the new Civil Procedure Rules is to deal with the persistent problem of delays by promoting a radical change in civil litigation culture through the introduction of the "overriding objective" of dealing with cases justly and at proportionate cost as well as provisions intended to encourage the use of Alterative Disputes Resolution and enhance the courts' case management.
The successful application of the Rules will very much depend on all factors of the judicial process enthusiastically embracing the new procedures and cooperating to bring about the overriding objective of the reform. The effort required for this to come about, both from judges and lawyers.

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

In 2022, the Law Office of the Republic of Cyprus established an in-house training Academy.

The main tasks of the Academy are the following:

(i) to promote and develop programs for the basic training of recruits of the Law Office,

(ii) to promote and develop programs for the continuing (lifelong) training of legal officers, and

(iii) to facilitate training for governmental officers in legal areas related to the mandate of the Law Office.

The training programs will not only cover areas of law, legal skills, and practice, but they will also address a variety of subjects relevant to the work of the legal officers, such as computer skills, organization of work and management skills.

Furthermore, the Academy aims to promote and enhance a high level of expertise and professional culture within the Law Office and ensure that the rules of ethics and the code of conduct are embedded in their daily work.

The establishment of the Academy is considered to be of great importance since it will institutionalize training for all legal officers according to their needs in a structured way which will certainly have a positive impact on the Law Office.

15. Digitalization (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic)

The introduction of new technologies will improve the efficiency of courts. In this context, **the digitalization of the courts** is being promoted, with the implementation of e-justice and the digital audio recording (DAR) of minutes during trials.

It is noted that the intermediate **i-justice system** is used on a national basis as of 21 July 2021 which provides for digital filing and administration of Courts' cases.

The implementation of the **e-justice system** is now underway and within the timelines defined. The project is also financed by the Recovery and Resilience Plan. By the beginning of 2023, the development and installation of the system will be completed, and the e-justice system will go live.

The introduction of **Digital Audio Recording** in courts will further enhance the efficiency and quality of operations. The project is also included in the RRP and according to the commitment undertaken, the installation and full operation of digital audio recording in court proceedings is expected by Q1 2025.

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)

See our previous Contributions to the Rule of Law Reports 2021 and 2022 in relation to the **E- justice Reform**.

The implementation of the electronic justice system was expected to be fully operational by the end of 2022. However due to some technical issues its implementation has been extended for a short period of time.

Meanwhile, a temporary electronic filing and case management system by the name of "i-justice" is already used which provides for digital filing, fee payments, true copy seals etc. As from 1st of February 2022 all new cases are filed electronically.

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.

The reform of the Courts of Cyprus has finally reached the stage of its implementation following the passage of a series of Laws providing for a major restructuring of the Cypriot court system from the Supreme Court downwards.
By a vote of 51 for and one against, the plenary of the House of Representatives voted the 17th amendment to the Constitution[9], required to reactivate the Supreme Constitutional Court – which remained dormant under the so-called 'law of necessity' ever since the Turkish Cypriot community withdrew from the functions of the state. During this time the jurisdictions of the Supreme Constitutional Court had been assigned to the Supreme Court. Now, both courts will operate again.

The constitutional amendment cleared the path for the enactment of two separate pieces of legislation aimed at reforming the judicial system.[10]

In addition to having a repurposed Supreme Court and a Supreme Constitutional Court, the two Acts provide for the establishment of an Appellate Court in order to act as the second tier in the judicial system hearing appeals from the lower Courts.

Even though the relevant legislation on the splitting of the current Supreme Court, was enacted by Parliament on 5th of August 2022, its full implementation will take place on July 2023.

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[9] *The Seventeenth Amendment to the Constitution Act of 2022 (L. 103(I)/2022) regulates the reform and modernization of the top tier of the judicial system by providing for the separation of the current Supreme Court of Cyprus (composed of a President and 12 judges) into a Supreme Constitutional Court and a "new" Supreme Court with more limited jurisdiction than the current Supreme Court.*

[10] *The Administration of Justice (Miscellaneous Provisions) (Amendment) Act 2022 (L. 145(I)/2022) and the Court of Justice (Amendment) Law of 2022 (L.146(I)/22)*

- **The Supreme Constitutional Court and the Supreme Court**

Therefore, the Supreme Court which since 1964 exercises the jurisdiction of both the Supreme Constitutional Court and the Supreme Court as contemplated in the Constitution, from the 1st of July 2023 will function as two separate Courts, the Supreme Constitutional Court and the Supreme Court.

The Supreme Constitutional Court will consist of 9 Judges, one of whom will act as President and the Supreme Court will consist of a maximum number of 7 Judges, one of whom will act as President.

The Supreme Constitutional Court will have a jurisdiction for the review of constitutionality of laws, but it will also 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. This will also ensure that the SCC does not remain idle when there are no constitutional cases pending.

- **The Appeal Court**

Another important pillar of the modernized court system is the newly-created Court of Appeal[11], which will be composed of 16 judges and will have three divisions: civil, criminal and revisional (administrative law) in order to promote a higher degree of specialization among judges.

- **The establishment of a Commercial Court and a Maritime Court.**

An important step forward in the justice reform is the enactment, on May 12, 2022, by the Plenary of the Parliament of the Legislation for the establishment of a Commercial Court and a Maritime Court[12].

The two Courts are set to deal with and try complex and high-profile cases, in order to lift the burden away from the busy district courts. Both courts will be trying cases in which the claim value is not less than 2mln euros (with some exceptions).

The Commercial Court (which is modelled on the Commercial Court of Ireland) will have jurisdiction over all commercial claims in excess of €2.000.000 arising out of contracts or

[11] *The Administration of Justice (Miscellaneous Provisions) (Amendment) Act 2022 (N. 145(I)/2022), the Court of Justice (Amendment) Law of 2022 (L.146(I)/22)*
[12] *The Law on the Establishment and Operation of a Commercial and Admiralty Court (N. 69(I)/2022)*

other commercial documents, sale of goods, insurance, operation of financial markets, vehicle manufacturing etc. Additionally, it will have jurisdiction to hear all competition, arbitration and intellectual property related matters, irrespective of the amount of the dispute. It will be composed of five (5) judges who will be appointed by the Supreme Council of Judicature.

The judge of the Commercial Court shall have the discretion to grant interlocutory injunctions (i.e. freezing injunctions) also. The Commercial Court will not adjudicate any banking and finance disputes and it will adopt a Fast-Track procedure to deal with cases in a timeframe ranging from 9 months to a year.

The Admiralty Court which will consist of two (2) judges will have exclusive jurisdiction to hear admiralty claims relating to a vessel or an aircraft and issues of ownership, possession, mortgage or charge and damage caused by or to a vessel or loss of life.

Provided that the hearing of a commercial case has not commenced, the parties may apply for its transfer from the District Court to the Commercial Court. Pending admiralty cases shall automatically be transferred to the Admiralty Court.

Given that the speed and quality of the delivery of justice depends on the creation of specialized Courts, the establishment of the Commercial Court and the Maritime Court will substantially contribute to the decongestion of the District Courts, to the adjudication of disputes expediently and effectively and to the upgrade of the quality in the administration of justice making Cyprus an international dispute resolution center and more attractive to foreign business people.

C. Efficiency of the justice system

18. ***Length of proceedings***

The justice system faces structural problems which have led to the accumulation of a large amount of backlog of cases pending before the courts. In order to improve judicial performance, the Government of Cyprus has embarked on a very ambitious and holistic Courts' Reform plan. The overall aim is to build a modern, accessible and efficient system for administering justice.

The reforms promoted are interlinked, forming parts of a coherent plan. Emphasis is given to measures to accelerate the delivery of justice and address the serious problem of backlog of cases. Important reforms include bringing the courts at pace with technological development through the e-justice and digital audio recording projects, the

implementation of which is currently underway and within agreed timeframes. The new Rules of Civil Procedure for cases submitted as from September 2023, is also expected to have a significant impact on the efficiency of the courts. Through the establishment of an efficient court service, on the basis of the recommendations of a study, the management structure of the courts and administrative processes of registries will be modernized and strengthened. Training of judges on a continuous basis, with emphasis on the implementation of the new Rules of Civil Procedure and the new e-justice system, contribute to the successful implementation of these reforms and for enhancing the quality of the justice system. Other important reforms include the restructuring of the courts and the establishment of the Court of Appeal, as well as the establishment of two Courts of special jurisdiction, such as the Commercial Court and the Admiralty Court, provided by legislation recently enacted. Some of the measures taken are included in the Recovery and Resilience Program of Cyprus.

Civil Procedure Rules (CPR)

One of the most significant reforms promoted relates to the **revision of the Civil Procedure Rules (CPR)**. The project was undertaken by a team of international experts who worked in close cooperation with the Rules Committee set up by the Supreme Court. The revised Rules underwent consultation with the Judge's association and the Cyprus Bar Association, before being approved by the Supreme Court on 19 May 2021. The new Rules will come into force as from 1.9.2023.

The Cyprus Judicial Training School has already provided the first sets of training to judges, registrars, legal officers and other court staff on the new CPRs in 2021 and 2022 under the Project SRSP3. The training curriculum developed for 2023 includes further training.
This project is included in the Recovery and Resilience Plan (RRP).

Backlog

The **clearance of the backlog of delayed cases** which have accumulated in the courts is a very critical and pressing task in the reform process. In order to facilitate this project, 32 new positions to increase the general capacity of the judicial system were approved by the House of Representatives and are included in the State Budget. Following several recruitment procedures, a number of judges were appointed up until now.

Following a pilot project in the District Court of Paphos, the project was expanded in September 2021 to cover all other districts.

The backlog project has already exceeded the first target set in the Recovery and Resilience Plan.

Restructuring of the courts and the establishment of special jurisdiction Courts

A major component of judicial reform which is expected to contribute significantly towards the enhancement of the efficiency of the courts, is the **restructuring of the courts and the establishment of special jurisdiction Courts**.

Within this context is the enactment of the laws (i) **establishing of a Court of Appeal** dealing with civil, criminal and administrative cases at second instance (16 Judges) and (ii) providing for the operation of the two supreme courts, namely the **Supreme Constitutional Court** (composed of 9 judges) and the **Supreme Court** (composed of 7 Judges), and granting of additional third-degree jurisdiction to these two courts. These courts will become operative within the next year (1/7/2023). The implementation of these reforms, especially in relation to the establishment of the Court of Appeal, will greatly facilitate the implementation of the backlog project and improve the length of proceedings as regards the appeal cases.

Additionally, the **establishment of Commercial and Admiralty Courts** provide an appropriate forum for the determination of high-profile, high-value commercial cases and admiralty cases, respectively. These two courts are expected to become operational within 2023.

Strengthening the capacity of the courts

The reform program will require significant changes in the way courts operate and are managed. **The capacity will be strengthened** in order to fully exploit the potential arising from these initiatives. Besides the recruitment of additional judges, three projects which have been implemented or are underway, will contribute to this end:

A **Training School for Judges** has been established following the enactment of the relevant Laws (14.8. 2020). This development formalizes training and will contribute to the ongoing and regular training of judges, as it is now envisaged that Judges are obligated to go through life-long training. The establishment of the Training School for Judges is of vital importance for safeguarding the high quality of the Justice system. It is expected that the School of Judges will enable them to deepen their knowledge and gain even more expertise in new areas of law that emerge.

This project has already exceeded the first target set in the Recovery and Resilience Plan.

A new project underway relates to the establishment of a new modern and efficient **Courts Service,** responsible for all aspects of management, administration and support of the courts. The new project which is funded by DG Reform of the European Commission covers, inter alia, aspects relating to the organizational and governance structure of the new Courts Service, and the re-engineering of procedures and staffing requirements. The study will be delivered on January 2023. The recommendations of the study will be examined by the relevant government Ministries and the Supreme Court and a decision will be taken as to the best organizational structure to be adopted.

II. Anti-corruption framework

19. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the anti-corruption framework (if applicable)

The Rule of Law Reports are always treated with utmost respect by the Ministry of Justice and Public Order and the Government of Cyprus, whilst actions are taken to alleviate any concerns and improve any shortcomings noted.

2022 is a landmark year for Cyprus with regards to the fight against corruption. Three significant legislations were approved by the Parliament, enhancing even more, both institutionally and legally, the existing anti-corruption framework: (a) legislation establishing the Independent Authority Against Corruption (b) legislation on the regulation of lobbying activities (c) legislation on whistleblowers protection. These three legislations, which were pending before Parliament for several years, were approved by the overwhelming majority of the Parliament. This brings Cyprus to the group of European States that adopted all three legislations.

Following an action plan to implement those legislations: it was ensured that there were premises to host the Independent Authority Against Corruption, to equip them, to find temporary administrative personnel to support the work of the Authority, until the Authority recruits its own personnel, as prescribed in the law, and to secure adequate budget so it could start its work. All these were already in place when the members of the Authority were formally appointed. In parallel, the Ministry is currently implementing an action plan for creating awareness regarding the legislation for the law of whistleblowers (see answer on question 26).

Asset Declaration

With regards to the Recommendation and the concerns expressed in the Report on the accuracy and verification of the declarations and the efficiency of the rules and sanctions provided in the existing legislations, namely, Law no. 49(I)/2004 titled "The President, Ministers and Members of Parliament of the Republic of Cyprus (Declaration and Control of Property) Law of 2004" and Law no. 50(I)/2004 titled "The Certain Publicly Exposed Persons and Certain Officers of the Republic of Cyprus (Declaration and Control of Property) Law of 2004". It is noted that:

The Parliamentary Committee on Institutions, Merit and the Commissioner for Administration (Ombudsman) of the House of Representatives already discussing a Proposal of Legislation, submitted by Parliamentary Parties, which seems to, address the concerns expressed in the Rule of Law Reports, and, as we are informed, the discussions are at an advanced stage (due to the upcoming Presidential elections in February 2023 the Parliament suspended its work until then, but the examination of the aforementioned bill is expected to resume in the first quarter of 2023).

The said proposal aims at the improvement and modernization of Law no. 49(I)/2004 dealing with the submission and verification of the declarations of assets of the President of the Republic, the President of the Parliament, the Ministers, including the Deputy Ministers, and the Members of Parliament, including Members of the European Parliament.

According to information we have received from Parliament the main issues of discussion are the following:

- *establishment of an Independent Committee / Body to undertake the responsibility to examine and ensure the compliance with the obligation to submit asset declarations as well as to verify the content of the declaration and impose sanctions.*
- *establishment of an e-portal for the submission of the declarations. This portal will be interconnected with other relevant governmental databases (eg. Road Transport Department, the Taxation Department) in order to establish a full and effective verification mechanism,*
- *sanctions for omitting to submit a declaration or for submitting false declarations,*

Taking into account that the discussions for the Proposal of Legislation are at an advanced stage, and that the aforementioned Proposal of Legislation, seem to address the concerns expressed in the recommendation, it was decided to expect the finalisation of the provisions of the proposed legislation and its approval by the plenary of the Parliament, in order to

proceed with analogous amendments to Law no. 50(I)/2004 dealing with other elected officials and civil servants, in order to address the rest of concerns.

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 authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO.

In early 2022, an anti-corruption taskforce was created under the competence of the Attorney General's office, with specialised officers from relevant institutions (such as the National Law Office, the Anti-money Laundering Unit, and the Police, in addition to ad-hoc experts from other entities). The Financial Crime Investigation Office of the Police has been further reorganised into two branches (namely the Financial Crime Branch and the Financial Investigations Branch), and four new accountants were recruited in 2021.

Statistics from the Police Registry are provided for Serious Corruption cases for 2021 as follows:

In 2021, 12 corruption cases related to bribery, abuse of power, abuse of trust by a public official and embezzlement, were reported to the Cyprus Police.

The investigation of 4 cases was completed and 8 cases are still under investigation.

Of these 4 cases that the investigation was completed, 1 case was brought before the court and it is pending trial.

The remaining 3 cases were closed because it was established that no criminal offence was committed.

Cyprus implemented some of the provisions of Council Regulation (EU) 2017/1939 of 12 October 2017 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO' Regulation) via a national implementing law (N.2(I) 2021).

Article 5 of the national implementing Law provides the competences of the European Delegated prosecutor of Cyprus as described in Art.22 of EPPO Regulation.

In addition to this, Cyprus transposed into national law Directive (EU) 2017/1371 (PIF Directive) which is essential for EPPO activities, since in accordance with article 4 of EPPO Regulation, EPPO shall investigate crimes falling within the competence of Directive (EU) 2017/1371. The national law transposing the said Directive is Law N.69(I)/2020.

In accordance with the provisions of EPPO Regulation, a Cypriot European Prosecutor and a Cypriot European Delegated Prosecutor, serving on a full-time basis, were both appointed. Furthermore, a second Cypriot European Delegated Prosecutor was appointed but has been put on the reserve list and her remuneration will be provided by the Republic of Cyprus, up and until it is mutually agreed between the European Chief Prosecutor and the Attorney General of the Republic, that she will also start serving as a European Delegated Prosecutor. Both the European Prosecutor and the European Delegated Prosecutor are lawyers of the Office of the Attorney General of Cyprus, in compliance with articles 16 and 17 of EPPO Regulation, respectively. In accordance with article 96(6) of EPPO Regulation, the Law Office of the Republic of Cyprus, as the national competent authority for the implementation of EPPO Regulation, provides the European Delegated Prosecutor with the necessary support. The Cypriot European Delegated Prosecutor is fully integrated in the Law Office of the Republic of Cyprus, as article 96(6) of EPPO Regulation prescribes. Please note that both these national laws, are under review by the Law Office of the Republic of Cyprus and both will be amended in order to further enhance the application of EPPO Regulation in CY.

Regarding OLAF, the Cypriot AFCOS (article 12a of Regulation EU 883/13), contact point is the Treasury of the Republic of Cyprus and an implementing legislative bill of the relevant OLAF Regulations, has been prepared by the Treasury of the Republic of Cyprus, which has been legally vetted by the Law Office of the Republic of Cyprus. The legislative bill sets out the co-operation between OLAF and AFCOs in accordance with OLAF Regulations and for example, it excludes the application of EPPO Regulation by AFCOS, so as to align national legislation with article 101(2) of EPPO Regulation and avoid duplication of proceedings between EPPO and OLAF. The said legislative bill, is expected to be deposited to the House of Representatives, once it resumes its operations after the Presidential Elections.

In relation to the application of the co-operation between EPPO and OLAF, in Cyprus, this is achieved through the co-operation between the Cypriot European Delegated Prosecutor and the AFCOS contact point in Cyprus. Please note that, the Law Office of the Republic of Cyprus as a member of AFCOS, provides legal advice and when necessary, undertakes the criminal prosecutions, if it is considered necessary either in accordance with EPPO Regulation or in accordance with OLAF Regulations.

Eight multi-jurisdiction cases on embezzling European Union funds remain pending for investigation

With regards to the newly-established Independent Authority Against Corruption and its operationability, it is noted that the Regulations concerning the procedures for receiving and examining complaints as well as appointing investigative staff, which were prepared

by the IAAC with the cooperation of the Ministry of Justice and Public Order, were approved by the Parliament and entered into force on the 16th December 2022.

On March 4th 2022, the Law which provides for the Establishment and Operation of the **Independent Authority against Corruption** Law, Law 19(I)/2022, entered into force. In accordance with the provisions of the Law, on May 3, 2022, the names of the Members of the Authority were announced, while the assumption of duties of the Members took place on July 8, 2022. The mission of the Authority is the undertaking of the necessary initiatives and actions for ensuring the coherence and effectiveness of the actions of the services of the public sector, the wider public sector and the private sector in matters of prevention and combating of acts of corruption, as well as for ensuring, in the best and most efficient manner, the implementation, progress, management and assessment of the National Strategy against Corruption from time to time. The Authority is the competent authority for the coordination of actions of the services of the public sector, of the wider public sector and of the private sector for the prevention and combating of acts of corruption at a national level and has a wide range of competencies and powers, provided in the relevant Law. The Authority will, furthermore, investigate, on its own motion, or upon submission of a complaint, any acts of corruption in the public sector, in the wider public sector and in the private sector

Currently the IAAC's staff consists of one Legal Officer (Anti-Fraud / Anti-Corruption Expert) seconded until September 2024, who has 19 years of work experience in the Public Service, specifically in legal EU anti-fraud and anti-corruption policy matters, one permanent Administrative Officer, one permanent Secretarial Officer, one person on contract for a term of 4 months for general clerical and administrative matters and one office worker / messenger. Therefore, today the total number of people working for the IAAC, including the Members of the Authority, amounts to 10. Lack of Staff Recruitment Regulations hinder the timely and proper recruitment of permanent staff at the IAAC.

Regarding the cooperation among national authorities, according to article 10 "*The Authority, in case where a criminal investigation has been initiated, either by the Police or by a criminal investigator, for an act of corruption which falls within the scope of its competences, following notification by the Attorney - General of the Republic, shall not initiate and/or it shall terminate any commenced parallel action: Provided that, the Authority may request and receive information in relation to the progress of the above mentioned cases from the Attorney - General of the Republic*". In addition, according to article 11, "*the exercise of the powers of the Authority shall be performed without prejudice to the powers of the Auditor - General, as these are set out in Article 116 of the Constitution or in any Law in force from time to time*". However, the same article also provides that "*the Authority shall*

cooperate with the Auditor - General for the exchange of information and the receipt of technical assistance for combating corruption."

The Authority has the competence to collaborate with international organizations, institutions and services of the European Union or other states for the preparation, undertaking, use, implementation of programs or strategic plans, the exchange of best practices and the receiving of technical assistance for the prevention and combating of acts of corruption; Furthermore, it has the competence to attend meetings or other events organized within the scope of the United Nations Organization, the Council of Europe and the European Union in which the national anti-corruption organizations participate, to cooperate with other corresponding institutions of the United Nations Organization, the Council of Europe and the European Union, as well as with anti-corruption organizations of other states and to advise regarding any information or data requested, within the framework of cooperation and/or exchange of information and/or reply, in case of mutual legal assistance, pursuant to any relevant bilateral agreement between the Republic and another state, which shall be ratified by a Law of the Republic.

Thus, the IAAC is currently fully operational and, has already initiated the investigation of complaints.

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

The newly established Independent Authority Against Corruption enjoys substantial functional independence, which is guarantee through the relevant Law (Law number 19(I)/2022) and the Regulations (Regulations number 483/2022):

(a) the members of the Authority and its staff, during the exercise of their competences are not subject to any instructions from the government or from anybody or authority or from any other person,

(b) the members of the Authority, may be dismissed under very strict conditions and following the same procedures as a judge of the Supreme Court is removed or retires from his office,

(c) it has its own budget - the expenses of the Authority, including the salary of the members and its staff, is included in the public budget of the Republic, under the Chapter "Budget for the Independent Authority against Corruption",

(d) the inspection officers are appointed by the Authority itself according to the selection procedure provided for in the Regulations,

(e) the staff of the Authority is appointed by the Authority itself.

Article 24 of the Law "Independence of the Authority" provides that "*the Authority and its staff, during the exercise of their competences pursuant to the provisions of this Law shall not request or accept instructions from the government of the Republic or from anybody or authority which operates under any Law or from any other person.*"

Moreover, regarding the appointment, the due process and the independence of people to be appointed for office, these are safeguarded, according to article 3 "Establishment of an Independent Authority against Corruption" and article 5 "Qualifications, resignation and removal of members" of the Law respectively:

Furthermore, it is worth mentioning that as mentioned above in question 20, according to article 10 "*The Authority, in case where a criminal investigation has been initiated, either by the Police or by a criminal investigator, for an act of corruption which falls within the scope of its competences, following notification by the Attorney - General of the Republic, shall not initiate and/or it shall terminate any commenced parallel action*". Nevertheless, the law goes on to provide in the same article that the Authority may request and receive information in relation to the progress of the above-mentioned cases from the Attorney - General of the Republic.

In conclusion, the functional independence is safeguarded by the very status of the IAAC, whereby the Authority is not answerable to any Minister or head of Government Body, apart from the legal obligation according to article 21 of the Commissioner for Transparency to submit to the President of the Republic an annual report on its work during the immediately preceding calendar year, the latest by the 31st January of each year, within the scope of the exercise of its mission and competencies provided for in this Law, which shall include its comments and recommendations on the assessment of the risks from events of corruption. The annual report of the Authority shall be submitted to the Council of Ministers and the House of Representatives, immediately after its submission to the President of the Republic and shall be published in the Official Gazette of the Republic. Upon publication of the annual report provided for in subsection (2), the Authority, following an invitation, shall appear before the competent committee of the House of Representatives to discuss the contents of the report, the recommendations and

the degree of response from the competent authorities, as this shall emerge from the summary reports drawn up pursuant to the provisions of Article 20.[13]

[13] ***Article 3 - "Establishment of an Independent Authority against Corruption"***
(1) There shall be established an Independent Authority against Corruption, pursuant to the provisions of this Law, having the powers and competencies provided to it by virtue of the provisions of this Law or any other Law.
(2) The Authority shall consist of the Commissioner for Transparency and four (4) members, which shall be appointed by the President of the Republic, in accordance with the procedure set out in paragraph (c) of subsection (3), based on which three times the number for the office of the Commissioner for Transparency and three times the number for the office of its four (4) members shall be proposed. .
(3) (a) There shall be established an Advisory Council for the preparation of a list of candidates for appointment at the Authority which shall act in accordance with the provisions of paragraph (c), and which shall consist of-

- *one (1) retired judge of the Supreme Court, who shall be appointed on the recommendation of the Supreme Court,*
- *the president of the Cyprus Academy of Sciences, Letters and Arts,*
- *the president of the Cyprus Bar Association,*
- *the president of the Institute of Certified Public Accountants of Cyprus, and*
- *the president of the Synod of Rectors of the Cyprus Universities.*

(b) The appointed retired Judge of the Supreme Court shall exercise the duties of the president of the Advisory Council and, in the case of his absence or temporary incapacity, his duties shall be exercised by the president of the Cyprus Academy of Sciences, Letters and Arts.
(c) The Advisory Council, within forty (40) days from its establishment, shall prepare a list, in alphabetical order, with the names of persons who are eligible and comply with the requirements set out in the provisions of this Law for appointment at the Authority, the number of whom shall be three times the number of the prescribed Authority members, and shall submit such list to the Parliamentary Committee on Legal Affairs, together with a curriculum vitae of each person included in the list and following briefing and consultation with the said committee held in a closed session with absolute confidentiality, it shall submit the said list to the President of the Republic.
(d) Upon taking office each member of the Advisory Council shall give a written assurance that he does not have any financial or other interest, direct or indirect, or any other special relation or any relationship by blood up to the fourth (4^{th}) degree of kindred or any relationship by marriage or affinity up to the second (2^{nd}) degree of kindred with a person proposed for appointment:
Provided that, in the event that such a relationship exists, the member of the Advisory Council shall be obliged to disclose such interest, relationship or affinity and withdraw himself from the relevant meeting.
(4) The Commissioner for Transparency shall preside the Authority and shall act as chairman thereof.
(5) The members of the Authority shall hold office for a period of six (6) years without any possibility for re-appointment.
(6)(a) In the event where a member of the Authority is temporarily prevented from performing his duties, the President of the Republic may appoint temporarily another person to perform his duties for the whole duration of his temporary absence:
Provided that, such appointment shall be terminated immediately upon the return of the member of the Authority to the performance of his duties.
(b) The member of the Authority who shall be appointed pursuant to the provisions of paragraph (a) must comply with the requirements provided in section 5 and as for his appointment, the procedure provided in subsections (2) and (3) shall be followed.
(7) The members of the Authority shall submit, within three (3) months from their appointment and on a three year basis from the date of their appointment and for as long as they shall hold their post, a declaration of property assets to the council which is provided for by the provisions of Certain Publicly Exposed Persons and Certain Officials of the Republic of Cyprus (Property Declaration and Control) Law.

Article 5 – "Qualifications, resignation and removal of members."

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

The Internal Audit Units (IAUs) of all Ministries / Deputy Ministries are staffed with an appropriate number of personnel (19 officers of which 8 are full-time). Furthermore, IAUs also operate in other important Departments / Services of the Public Service such as the Department of Customs and Excise, the Taxation Department, Water Development Department and the Police.

The Internal Audit Service of the Republic has similarly been staffed with two additional officers while another 5 officers are expected to be recruited in 2023.
The personnel of the IAU have successfully completed their training consisting of 12-day seminars. The seminars took place between March and June 2022 and included training on topics such as the control system in the Public Service, risk assessment and management,

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(1) Appointed as members of the Authority shall be persons of recognised prestige and highest moral standing who are capable of contributing to the fulfillment of the Authority' s mission, of whom the Commissioner for Transparency and only one of the members shall be lawyers with many years of experience and only one of the members shall be an accountant or auditor of recognised prestige with many years of experience.
(2) The members of the Authority, before taking office, shall give a confirmation before the President of the Republic that they will faithfully exercise their duties.
(3) No person shall be appointed as member of the Authority in the event where-
(a) he has been convicted of an offence involving dishonesty or moral turpitude.
(b) he has been declared bankrupt in accordance with the provisions of Bankruptcy Law; or
(c) he has not fulfilled his public debts up until the year preceding the immediately previous year of his appointment.
(4) The members of the Authority shall be distinguished for their professionalism, efficiency, ethics, conduct, responsibility, conscientiousness, integrity and honesty.
(5)(a) No person shall be appointed or remain member of the Authority if he has served as a minister or deputy minister during the term of office of the current the President of the Republic.
(b) Subject to the provisions of paragraph (a), no person shall be appointed or shall remain member of the Authority, if during the last two (2) years prior to his appointment-
(i) he serves or has served as a -
(aa) minister,
(bb) deputy minister,
(cc) member of the House of Representatives,
(dd) member of the European Parliament,
(ee) public servant, public education officer, member of the Police, member of the Cyprus Fire Service or member of the Armed Forces,
(ff) mayor or employee of a local authority or a legal entity or public utility body which was established by Law for the public interest.
(ii) has or had a party office.
(6) The members of the Authority, during the term of their office, shall not be permitted to hold any other post or office in the Republic and/or to be employed in any other paid job.

planning and conducting internal audit. Also, the personnel were provided with the appropriate coaching on risk identification and assessment process.

Moreover, a Manual of Procedures of the Audit Units was prepared by the Internal Audit Service and was forwarded to all the IAUs. For the presentation and briefing of the personnel on the Manual, two seminars were held on 25 and 27 of May 2022. The said Manual describes in detail the procedures that the IAUs should follow in the performance of their duties and the procedures that should be applied in relation to the identification, assessment and risk management of the Ministries and Deputy Ministries as well as carrying out checks. It also includes flowcharts and model documents that should be used by IAUs, during the exercise of their duties.

The Internal Audit Manual for the Internal Audit Service was also prepared.

The 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) is, currently, at the final stage of preparation and is expected to be announced by the Ministry of Justice and Public Order in the first quarter of 2023.

B. Prevention

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

Incompatibility rules for public servants are provided in the public service law and regulations (article 60 of Public Service Law (PSL) – public servants' duties and obligations, article 65 pf PSL – private employment, interest in companies and acquisition of shares, article 66 of PSL – acquisition of property and article 69 – gifts' policy).

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

Regarding training on ethics, in 2022, in the framework of technical assistance provided to the Ministry of Justice and Public Order, a new curriculum for an Anti-corruption training was designed by Council of Europe experts and the relevant trainings of trainers took place beginning of October 2022. For any further information, the competent authority is the Ministry of Justice and Public Order.

A Guide of Conduct and Ethics for Civil Servants has been issued by the Public Administration and Personnel Department and the Ombudsman's Office, which codifies and explains in a simple way the existing provisions of the Public Service Laws and relevant Regulations, as well as the principles arising from the Constitution and the General Principles of Administrative Law. The Guide describes how public servants should behave (fairly, honestly, objectively, competently, with integrity and professionalism) in contacts with the public as well as in the execution of their duties. Other codes of conduct are also available for specific group of professionals (eg. Tax Department Code of Conduct, Code of Ethics and Professional Conduct of the Audit Office, Code of conduct for procurement, Guidelines on Ethics and Conduct for Public Prosecutors etc)

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)

The legal framework described in the 2020 Rule of Law Report [Certain Publicly Exposed Persons and Certain Officials of the Republic of Cyprus (Declaration and Control of Property) Law of 2004 (Law 50(I)/2004)] imposes the obligation both to certain high ranking officials (incl. Director Generals of the Parliament and the Ministries, the Accountant General and the Deputy Accountant General) and certain publicly exposed persons to submit a declaration of assets (within a 3-months period from the assumption of the post/office and every three years after the year he/she assumed the post/office) to a three-member Council appointed by the Council of Ministers.

The gifts policy in the public service is prescribed in article 69 of the Public Service Law and Regulation 27 of the Public Service (General) Regulations. No public officer is allowed to receive or give any presents in the form of money, goods, free tips or other personal benefits, except for ordinary gifts from or to personal friends, or in specified cases where the Council of Ministers considers that it would be undesirable or contrary to public interest to reject such present.

Lobbying

On 4th March 2022, the Law on "The Transparency in Public Decision-Making Procedures and Related Matters Law of 2022" (20(I)/2022) entered into force. The said legislation establishes a legal framework for the promotion of transparency regarding the involvement of private individuals and/or entities in public decision-making procedures of the executive and legislative powers, in order to prevent the creation of conditions that allow or facilitate corruption.

The Independent Authority Against Corruption is the competent authority under the law to observe its enforcement and compliance, to keep the Register for Lobbyists and receive the reports and forms that need to be submitted by the Lobbyists and the Public Officials.

The law provides for the obligation of those private individuals or entities, involved in public decision-making procedures, representing a group of specific interest to register to the Register kept by the Authority and to submit to the latter, a report containing all the contacts they had with public officials, every 6 months.

The Public Officials and members of the public sector and the wider public sector who by their position can initiate a public decision-making process, shape its content or determine its final outcome (lobbied persons) are obliged to submit to the Authority a form providing details for every communication they had with a lobbyist, within two months, from their contact.

Also, the said legislation provides for the obligation of all public officials, members of the public sector or the wider public who, by virtue of their position, take part in a public decision-making process, to declare in writing to the Authority any conflict of interest arising in relation to his participation in the public decision-making process, and to abstain from the relevant public decision-making procedure.

The Authority is vested with the power to impose sanctions and fines for any violation of the law.

With regards to the better application of the Law, the Authority is expected to issue Code of Ethics for lobbyists and circulars for the better understanding and application of the Law, in the following moths.

Asset Disclosure

Asset disclosure is governed by two Laws. Law number 49(I)/2004 titled "The President, Ministers and Members of Parliament of the Republic of Cyprus (Declaration and Control

of Property) Law of 2004" and Law number 50(I)/2004 titled "The Certain Publicly Exposed Persons and Certain Officers of the Republic of Cyprus (Declaration and Control of Property) Law of 2004" (list of persons included in Annex I of the Law).

Both Laws detail the content of the declaration, including: immovable property, including titles and encumbrances on such property with full description of the type, the extent, the topographical data, the means and the original acquisition cost of the property; all means of transport, including boats; material financial interest in any business; assets of all kinds comprising securities, debentures, shares and dividends in his/her own financial interest in private and public companies, deposits in commercial banks, savings banks or cooperative companies, income or benefits from insurance contracts and any other income.

In addition, the declarations are to include any differentiation in the assets which has occurred after the immediately preceding declaration, along with a sufficient explanation to justify this differentiation; and a statement of the debts held. The assets, income and liabilities of spouses and underage children must also be declared.

Law no. 49(I)/2004 provides for a Specialist Parliamentary Committee on the Declaration and Examination of Financial Interests ("the Committee"), which ensures compliance with the obligation to submit asset declarations.

Law no. 50(I)/2004 provides for a Specialist Council in order to check whether the obligation to submit a declaration is compiled by, with the provisions of this Law.

The persons who fall under these Laws are obliged to submit asset declarations to the Specialist Parliamentary Committee or the Specialist Council respectively. These asset declarations are to be submitted within three months of coming into office and every three years thereafter for the duration of their office, as well as within three months since the end of their term in office.

Law no. 50(I)/2004 provides for a monetary penalty (of up €5 000 and up to €100 for each day of the continuation of the omission) for the non-submission of a declaration, and imprisonment (of up to one year) or/and a fine (of up to €3 000) in the event of false declarations.

Law no. 49(I)/2004 does not include any defined sanction for omitting to submit a declaration or for false declarations. It rather states that the consequences are to be decided by the President.

25. Rules and measures to prevent conflict of interests in the public sector. Please specify the scope of their application (e.g. categories of officials concerned)

The conflict-of-interest rules for the public service, as mentioned in Q23, are included in the public service law and regulations. The abovementioned provisions (articles 60, 65, 66, 69 of the PSL etc) are only applied to public servants.

26. Measures in place to ensure whistleblower protection and encourage reporting of corruption.

On 4th February 2022, the Law "On the Protection of Persons Who Report Breaches of Union and National Law" (N. 6(I)/2022) entered into force. It transposes the EU Directive 2019/1937 on the protection of persons who report breaches of Union law, whilst its scope is extended to also cover violations of national law.

The legislation aims at establishing a strong and effective legal framework protecting individuals who report, based on evidence or information acquired in the working environment, potential violations of EU Law and/or national Law.

According to Law no. 6(I)/2022, article 17, the identity of the whistleblower and the information obtained are not disclosed. The persons handling such information shall sign a declaration of responsibility for the handling of information. No information will be provided without the prior notification of the whistleblower. Personal data collected, in the context of receiving reports, is deleted within three months from the end of the process. People handling such information shall be maintained trained and carefully selected. Maintaining communication with the whistleblower throughout the investigation. A hotline will be established on a 24/7 basis, for reporting cases, as well as, a webpage, for easy access.

According to article 21 of the law, the whistleblowers will have easy and free public access to full and independent information and advice about the procedures and remedies available, for their protection against retaliation and their rights. A special informative leaflet will be issued with all relevant information, and it will also be posted in the official webpage of the Cyprus Police. Moreover, legal aid, is provided in both criminal cases as well as in cross border proceedings, that include civil cases, in accordance with the law. A person who makes a report and subsequently participates as a witness in any criminal proceeding related to the report, is considered a witness in need of assistance, according to the witness protection law. A whistleblower has access to legal remedies against retaliation including, but not limited to interim measures pending the decision of the legal

proceedings, which provide for the following:

Article 23 "a whistleblower will be protected against retaliation".

Article 24 "if the whistleblower is fired from his work, then"

Article 25 "the Court will trail a fair and reasonable compensation or will force the rehiring of the employee and compels the employer to accept his services. Also, the dismissal of the petitioner, as well as, any adverse change in the conditions of employment or retaliatory measure is absolutely void".

The law provides for the establishment of reporting channels that need to follow-up the reports and handle them with confidentiality, protecting the identity of the person reporting the violation as well as the identity of the reported person.

The whistleblower can use whether internal reporting mechanisms established by the legal entity of the private or public sector, to which he/she is working or to submit his/her report to a competent authority, depending on the type of alleged violation.

The whistleblowers, who have reported a potential violation in compliance with the requirements of the law, enjoy a series of protective measures. For instance, any retaliatory act in the working environment is prohibited. In case a retaliatory act did take place, the whistleblower can have recourse to the Court to annul the retaliatory act and ask for compensation. In such cases, there is a legal presumption that any harm caused to the employee following his/her report is due to his/her report, thus, it is upon the employer to prove that the detrimental act was due to reasons unrelated to the report.

Moreover, with regards to acts of corruption, the Law, provides, under conditions, a more favorable treatment of individuals who have committed or took part in the commission of an act of corruption, but they have admitted their guilt and cooperated substantially with the law enforcement authorities, leading to the prosecution of a public official or public servant. In such cases, the maximum penalty that can be imposed by the court is half of the maximum penalty provided for in the relevant law.

At the moment, the Ministry of Justice and Public Order is implementing an awareness raising Action Plan regarding the content of the law, the obligations and rights provided therein and so forth. In particular, three Guides are prepared by the Ministry with the cooperation of the Office of the Law Commissioner, one addressed to the employees, one

to the employers and one to the competent authorities, that will be uploaded to the website of the Ministry. Moreover, a list of competent authorities, with their contacting details will be uploaded on the website of the Ministry.

27. List the sectors with high-risks of corruption in your Member State and list the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. public procurement, healthcare, citizen investor schemes, risk of cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organized crime groups (e.g. to infiltrate the public sector).

CYPRUS INVESTMENT PLAN

As it was explained in detail in the answers provided in 2022 the Cyprus Investment Programme (CIP) was terminated on the 1st of November 2020 and that the examination of all pending applications ended by July 2021. Therefore, having that in mind, it is stated that the government of Cyprus does not operate a citizenship investor scheme and was not operating such scheme during 2022.

PUBLIC PROCUREMENT

Legal Framework

The Directives on public procurement 2014/23/EU (Concessions), 2014/24/EU (Classical) and 2014/25/EU (Utilities), have been transposed into Cyprus's legal framework as L. 11(I)/2017, L.73(I)/2016 and L.140(I)/2016 respectively.

The same provisions of the EU Directives, which only regulate contracts whose estimated value is above the EU thresholds, apply to contracts for supplies, works and services below EU thresholds, with shorter deadlines (minimum 14 days) and an obligation to publish the contract notice at national level. Procedures for public works and supply contracts up to €50.000 and services up to €80.000, can be simplified, where there can be a selection of a limited number of economic operators to tender, without an obligation to publish the contract notice.

The exclusion grounds as defined in the Directives have been transposed into our legal framework without any modification. Consequently, any candidate or tenderer (for contracts above and below the EU thresholds) who has been the subject of a conviction for one of the following reasons shall be excluded:

(a) participation in a criminal organization

(b) corruption

(c) fraud

(d) terrorist offences or offences linked to terrorist activities

(e) money laundering or terrorist financing

(f) child labour and other forms of trafficking in human beings

For all the aforementioned reasons, the necessary certificates (supporting documents) are required to be submitted by the successful tenderer.

If after the signature of the contract, the contractor is convicted for any of the above reasons, the contract can be terminated and this is specifically stated in the tender documents and the contract signed.

Electronic Environment / Transparency

The Electronic Procurement Portal (eProcurement System) is a web-enabled system that provides a safe and inaccessible environment by unauthorised people, for the transparent implementation of electronic procedures in conducting public procurement competitions. The system is compliant with the provisions of the European and Cypriot Law of public procurement, giving separate roles to the people involved to the stages of opening procedure and secondly the evaluation procedure of the tenders. The portal provides a secure method for preparation and electronic submission of requests for participation and tenders, thus being a solution giving comfort to the economic operators that tenders are not in any way known beforehand or variated for any reason at the evaluation stage.

The public distribution of the information is considered to be adequate, providing sufficient information and time for the economic operators to prepare and submit their tenders.

- A prior publication can be issued through the ePS, indicating the contracting authorities (CA) intention to initiate a competition, in order for the market to be prepared and to assist CA in their market sounding and research.
- Once the official initiation of the competition has occurred, the related contract notice is published in Official Journal of Cyprus Government through ePS and provided the estimated value of the competition falls above EU thresholds, in TED.
- Simultaneously along with the publication of the notice the tender documents are made directly available to ePS for free.
- Within ePs there is a built-in mechanism which informs the Economic Operators

(EOs) based on their interest for any competitions issued.

- Any addenda or clarifications are notified to all economic operators who have declared their interest for the specific competition.
- Contract award notices are published in Cyprus Gazette and in TED where applicable
- All decisions taken related to public procurement are mandatorily published in the website of CAs, in order to ensure transparency

Accountability and correctness

For the award decision of public contracts, a double level procedure is established through Regulatory Administrative Acts. i.e a specialist body (evaluation committee) is formed in order to evaluate the tenders, having a suggestive role. The Tender Board, a superior competent body has the decisive role for the contracts falling in the scope of EU Directives. For contracts of smaller value, the CA manager shall agree with the award decision of the evaluation committee, in order to be validated.

Remedies

Directives applying for remedies in the field of public procurement 89/665/EC and 92/13/EC, as amended by Directives 2007/66/EU and 2014/23/EU, provide for EU member states either to set up an independent semi judicial body judging appeals brought forward by complainant economic operators, or to leave this competency to Courts.

As stipulated in Cyprus Law 104(I)/2010, a semi judicial body was set up, namely the Tenders Review Authority (TRA). The mission of TRA is the examination of Recourses against acts or decisions of the Contracting Authorities/Entities that violate any provision of the law before or after signing a contract. The decisions of TRA are binding for the contracting authorities.

Economic operators who are not satisfied with a certain decision of the TRA, can appeal to Court against the TRA. Results show that only up to about 10% of the TRA decisions are appealed in Court and the Court usually (about 85% of the cases) validates the TRA decisions.

The TRA contributes to improving the efficiency of procedures in public procurement since it issues its decisions in a fourth month period from the submission of the Recourses, thus giving the possibility to rapidly move to the conclusion of the contracts of a certain estimated value, which is the EU procurement thresholds for services and supplies and €500.000 for works and concessions.

Measures to regulate personnel matters responsible for procurement, screening procedures and criminal offences.

1. Solemn Declaration

Regulation 21 of the Regulatory Administrative Act 201/2007 (RAA) for the Central CAs, provides that before taking up their duties, the President, his representative and the members of all Boards and Committees, including the Consultants, are obliged to sign a Declaration that they will execute their duties with conscientiousness and impartiality, without any fear or favour and will observe strict confidentiality during the execution of their duties.

In case the President or his representative or any other member of any Board or Committee has any interest, financial or other, direct or indirect, in relation to any competition that leads to the award of the contract or has any particular relation or any blood relationship or any relationship by marriage up to the fourth grade with any person who has evident financial or other interest in the whole procedure, is obliged to disclose this interest, relationship or kinship to the Competent Board or Committee and to withdraw from the relevant meeting.

The said provision applies also for all the Bodies Governed by public Law and local authorities, through the respective RAAs.

2. Incompatibility Clauses

Additionally, Regulation 22 of R.A.A. 201/2007 provides that the simultaneous participation of members of ad hoc technical committees to any other Committee or Board that deals with the same matter for which the relevant ad hoc technical committee has been appointed is incompatible.

Likewise, the simultaneous participation of members of the Evaluation Committee in a Tender Board that deals with the same matter for which the relevant Evaluation Committee has been appointed is also incompatible.

The said provision applies also for all the Bodies Governed by public Law and local authorities. In this respect there is always a segregation between people with a suggestive role from the ones with a decision role, which consists a double check of any decision.

3. Code of Conduct

A National Code of Conduct for the Award of Public Contracts ('Code") has been prepared by the Public Procurement Directorate which establishes the principles that should be respected and adopted by officials and public officers involved in public procurement

procedures (i.e. integrity and impartiality, objectivity, transparency, honesty etc). The Code deals with issues such as bribery accepted by public officers, conflicts of interests, confidentiality etc.

At the same time, the Code is used as a standard of behaviour that is consistent with the principles of the EU in the public procurement field (ie the principles of equal treatment, non-discrimination, mutual recognition, proportionality and transparency).

4. Manual on Bid Rigging

Furthermore, within the context of reducing / preventing corruption in public procurement, the Commission for the Protection of Competition (C.P.C.) of the Republic of Cyprus with the contribution of the Public Procurement Directorate has issued a Manual on Bid-rigging which has been circulated to all contracting authorities/entities.

The Manual is based on the OECD Guidelines for fighting bid rigging in public procurement and aims on one hand at informing the contracting authorities/entities about bid rigging in public procurement (Collusive tendering) and the various forms it can take and on the other hand, the various preventive measures that can be adopted to mitigate the risk of bid rigging.

5. Screening procedures

At every stage of the procurement procedure, the three independent Services of Audit General and Accountant General for all the Contracting Authorities and Attorney General with regards the Central State CAs can monitor and intervene in any procurement procedure, providing their views or comments in a formal way. This is explicitly provided in the relevant Regulatory Administrative Acts which define them as Observers.

In this respect, all the tender documents and award decisions are sent to them beforehand, thus making it even more difficult for any corruption practice to intrude in public procurement award procedures. The same provisions are applied for the committees with a competence to examine and approve changes on the execution phase.

6. Criminal offences

The national public procurement Law provides for specific strict penalties for any unauthorized person who tries to influence the decision-making procedure of a competent body or a member of it, himself/herself or through another person, or tries to undertake or provide information for any procurement procedure, in any way. The penalties provided

are imprisonment for two years or a fine of €4.000, or an application of both of the above penalties.

RISK OR CASES OF CORRUPTION LINKED TO THE DISBURSEMENT OF EU FUNDS

During 2022 new measures have been undertaken in the field of EU Funds management to strengthen the prevention, detection and correction of cases of Conflict of Interest.

The measures include the amendment of two Regulatory Administrative Acts for the application of the national anti-money laundering law (N.188(I)/2007) to enable the access to Ultimate Beneficial Owner databases for all national and EU audit and Control Bodies. R.A.A. 116/2022 of the Registrar of Companies and R.A.A. 180/2022 for the Registrar for Societies, Foundations, Federations, Associations, including NGOs, provide access to the relevant UBO databases with the same rights as national competent AML authorities to the Treasury of the Republic, the Directorate General Growth of the Ministry of Finance, the Internal Audit Service, the Auditor General, the European Commission, the Court of Auditors, OLAF and EPPO.

The Conflict-of-interest declaration signed by all officials involved in the assignment of co-funded contracts or in the evaluation and approval of applications for a co-funded aid scheme have been modified to incorporate knowledge of conflicts with UBOs of economic operators being evaluated. (Please refer to solemn declaration under procurement contracts analyzed in relevant section above).

Guidelines have been adopted by the Council of Ministers (Decision No. 93.428, dated 28/7/2022) regarding the prevention, detection and correction of cases of Conflict of Interest of projects funded through the national Recovery and Resilience Plan.

The guidelines are applicable to all Implementing Bodies undertaking investments and reforms under the RRP within their function as contracting authorities or bodies implementing aid schemes. The guidelines led to the amendments of the specimen tender documents (and aid scheme guides) and control procedures to be undertaken before contract assignment, using UBO data of potential bidders / potential final recipients (above certain thresholds).

The requirements provide for all bidders above thresholds to submit UBO data at the stage of submission of their tenders. A dedicated team under the Treasury of the Republic (Verifications and Certification Directorate - VCD) performs a verification of the absence of conflict of interest through use of the ARACHNE system of the European

Commission, using UBO data of the successful bidder and details of all involved officials of the Contracting Authority for the assignment of the contract. Tenders are rejected in case UBO data is not submitted. In case Conflicts of Interest are detected through the verifications undertaken, and the conflict is confirmed by the Contracting Authorities, the bidder is rejected and other national measures for suspicion for corruption and fraud may be subsequently undertaken.

For tenders below the thresholds, the VCD performs verifications following contract signature for a sample of contracts, selected based on a risk-based methodology.

Similar provisions are applicable for contracts under aid schemes, whereby all applicants for a grant within a co-financed aid scheme are required to submit UBO data at the point of submission of their proposal. For all proposals exceeding certain thresholds, the dedicated team at the Treasury (VCD) performs a verification of the absence of conflicts of interest before the signature of the contract for the granting of aid, through the ARACHNE system and using the details of the UBOs of the applicants together with all the persons involved for the evaluation of the proposals. Applicants who do not submit UBO data are rejected. In case Conflicts of Interest are detected through the verifications undertaken, and the conflict is confirmed by the Authority responsible for the aid scheme, the applicant is rejected and other national measures for suspicion for corruption and fraud may be subsequently undertaken.

For proposals below the thresholds, the VCD performs verifications following grant contract signature for a sample of grant contracts, selected based on a risk-based methodology.

In addition to the above controls, the same guidelines provide for controls to be undertaken by the Public Procurement Directorate to ensure compliance with the public procurement laws and regulations before contract signature for all co-funded procurement contracts exceeding certain thresholds.

The procedures developed ensure sufficient coverage of the entire population, controls through the official national registers (both before and after contract signature), as well as use of other tools once they become available, such as the European UBO Platform and the Arachne tool for economic operators not established in the Republic.

Finally, all responsible officials at the Treasury of the Republic have received training on the Arachne risk scoring tool from the European Commission and all involved

implementing bodies for co-financed projects and schemes have attended two trainings for the application of the new guidelines.

Respective guidelines covering procedures for Cohesion Policy co-funded projects (currently under preparation) will follow the same principles, methodology and steps as described above, with a possibility for different thresholds for applying the controls before contract signature.

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

The Ministry of Justice and Public Order has launched a new cycle of training courses, addressed to both officers and managers of the public and broader public sector. As of today, two Senior Management Level Workshop took place. Additionally, in 2022, two advisory workshops related to "Prevention, Education and Awareness of public bodies" were held for civil servants and teachers, with the participation of experts from the Council of Europe and representatives of the European Commission. Moreover, a training workshop, "Train the Trainers", was held in which officers of the Ministries/Departments who are entrusted with duties related to the implementation of the National Anti-Corruption Strategy, participated.

Furthermore, for the purpose of raising awareness and preventing corruption, training and educational programs have been included at all levels of education. For the planning and implementation of this action, a Coordinating Committee was established with the aim of planning, designing and implementing specific actions in relation to raising awareness and educating students on corruption issues. The implementation of the action started since the beginning of the academic year 2021-2022 and is ongoing.

In addition, a Pancyprian Competition on issues related to transparency and the fight against corruption among secondary school students was inaugurated and is expected to be institutionalized. The First Competition was concluded, and the award ceremony of the students took place on 20.9.2022.

All the aforementioned actions, including the Pancyprian Competition, continue this academic year as well, whilst they are further enriched with the inclusion of training programs for the supervisory staff and school directors of all hierarchical levels on corruption issues.

In order to prevent and minimize the risk developing any corruption and entanglement phenomena in the public sector, in 2021, a Circular was issued by the Public Administration and Personnel Department on the implementation of internal staff mobility (only there it would be feasible). In the Circular, a number of recommendations/guidelines were prescribed.

see also the incentive scheme for the implementation of ISO 37001 to the public and private sector.
see also our input for 2021 Rule of Law Report.

c. Repressive measures

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

The applicable legislation for corruption related offences is as follows:

Cap. 154, Articles 100-107, 126, 133, 267, 314

Cap.161

L.23(III)/2000,L.37(III)/2003,L.2(III)/2004, L.51 (111)/2004, L.22(III)/2006,L.83(I)/2007,

30.Data on investigation and application of sanctions for corruption offences[9], including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds.

The table below shows the data regarding the corruption related cases that were reported to the Cyprus Police from 2019 to 2022:

Year	Total number of cases	Cases before the Court pending	Convictions - (number of cases)	Persons convicted	Cases still under investigation
2019	16	8	2	5	0
2020	13	6	1	2	5
2021	12	2	0	0	7
2022	19	4	0	0	15

Some of the cases, mentioned above are high level and complex corruption cases. One very high-level corruption case related to the Cyprus Investment Program with 4 defendants, is under trial before the Nicosia Assize Court.

Regarding the implementation of EU Funds, procedures for investigation of suspected fraud, conflict of interest or corruption cases are subject to the same treatment as any such national case. Bodies responsible for the implementation, control or audit of EU-Funded projects or aid schemes, are responsible for performing a number of verifications and controls, throughout the lifecycle of the projects or schemes. Guidelines provide that in case irregularities (including serious irregularities or suspected fraud/conflict of interest/corruption cases) are detected, the authorities involved have a responsibility to notify the attorney general who will decide whether to open a criminal case, whereupon the police will be mandate to undertake the investigation. Depending on the outcome of

the investigations, the cases may be tried in court and the sanctions to be applied may include financial penalties or incarceration.
For shared management EU-funded programs, there have been only two convicted cases of fraud and corruption, whereas a number of cases are still ongoing before the court, or are still being investigated at the level of the control and audit authorities or have been sent to OLAF for further investigation (subject to evaluation of whether to open a case or not). Or irregularities exceeding €10.000 and all suspected fraud cases are reported to OLAF through the IMS system.

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).

The Police Internal Affairs Service (P.I.A.S.), whose mission is to prevent and combat police corruption, received 95 information / complaints in 2022 concerning possible involvement of police members in acts of corruption. From the evaluation of the information / complaints, only 19 were of investigative interest, while the rest did not relate to the responsibilities and powers of the P.I.A.S.

Out of the 19 information / complaints, 2 (two) resulted in criminal prosecution of two members of the Police, before the Court, 8 (eight) were investigated, with no evidence found against police members for criminal acts of corruption and the remaining 9 (nine), are under investigation

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

III.Media freedom and pluralism

33.Please provide information on measures taken to follow-up on the recommendations received in the 2022Reportregardingmedia freedom and pluralism (if applicable).

Concerning Recommendation 5 (Strengthen the rules and mechanisms to enhance the independent governance of public service media taking into account European standards on public service media) of the 2022 Report, it is noted that we are in the process of implementing it. Specifically, the Ministry of Interior has forwarded suggestions to the Permanent Secretary of the Cyprus Broadcasting Corporation, with a letter dated 19/12/2022, requesting amongst others that matters of appointment and dismissal of members of CyBC's Board be included in the upcoming amendment of the relevant Law (CyBC Law Chapter 300A). We also gave the example of the formalization of the selection and appointment procedures of the Cyprus Ombudsperson as a good practice and pointed

that European standards on public service media should be taken into account. It is noted that the upcoming amending legislation will also include matters of further supervision by the regulatory authority (CRTA), similarly with the private television and radio organizations and renumbering of articles for better understanding as it is a quite outdated piece of legislation that needs modernization. The legal consultant of CyBC is currently working on the matter and we are expecting a draft legislation as soon as possible, hopefully within the first semester of 2023.

Upon receiving the draft legislation, the Ministry of Interior will finalize the text and then submit it to the Republic's Law Office for legal vetting, then to the Council of Ministers for approval and finally to the House of Parliament for final adoption.

A. Media authorities and bodies

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

The legislative framework has not been modified in any way and the independence of Cyprus Regulatory Authority remains enforced. The annual budget of CRTA for 2023 was forwarded by the Ministry of Interior to the House of Parliament for final adoption as early as possible and was published in the Official Gazette of the Republic on 19/12/2022.

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

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

The Cyprus Media Complaints Commission continues its work as an independent press council, assisting in the self-regulation of the news media, both written and electronic. It is entirely free from government interference (but it is also excluded from judicial supervision), ensuring that standards of conduct are maintained 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 o Journalists. The CMCC is expected to be

strengthened with the new legislation under the title "Law on the safeguarding of freedom of Press and the operation of Media in the Republic of Cyprus" – Press Law of 2023 (short title). The Ministry of Interior has received a draft from the Press and Information Office and will finalize the text with the involved parties and forward it to the Republic's Law Office for legal vetting. Matters of journalists' safety and freedom of speech are included in the legislation. Also, Cyprus Media Complaints Commission will be legally established through this legislation, in an effort to enhance media pluralism but at the same time combat disinformation to the public.
The Journalists' Code of Ethics has recently been updated, to be improved and more aligned with international developments 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. In addition, a specific provision on hate speech has been added. The CMCC presented the new Code in October 2022 at its convention to celebrate its 25 years of work.

(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/

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

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

The Government of the Republic of Cyprus as of 2022 does not advertise in the Media.

38.Safeguards against state /political interference, inparticular:

> ***-safeguardsto ensure editorial independence of media (private and public)***
>
> ***-specific safeguards for the independence ofheads of management and members of thegoverning boardsof public service media (e.g.related to appointment, dismissal),safeguards for their operational independence (e.g. related to reporting obligationsand)***

the allocation of resources) and safeguards for plurality of information and opinions

- 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

Editorial independence is safeguarded by the relevant legislative framework (Radio and Television Organization Laws and CyBC Law Chapter 300A and Press Law of 1989) and there is no interference by the state in 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 answer provided for in point 33 above includes safeguards envisioned for the appointment and dismissal of public service media governing board. The operational independence and efficient allocation of funds by the public service media is safeguarded with a series of checks and balances, taking into account that it mainly relies on state funding. More specifically, financial reports are submitted to the relevant Ministry, implementation reports to the annual Recommendations of the Auditor General and certificates of adequately following the code of public governance.

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

Transparency of media and information of media ownership concerning television and radio is already covered in the existing legislative framework (Radio and Television Organization Laws). Following the enactment of the amending law of Radio Television Organizations Laws on 23/12/2021 in full transposition of the Directive 2018/1808/EU, article 30A which refers to matters of transparency, has been strengthened. Specifically, paragraph (2) provides that the media service provider shall make accessible to the Authority, information concerning its ownership structure, including the beneficial owners. Also, it is noted that Cyprus enacted the 5th Anti Money Laundering Directive (EU)2018/843 ('AMLD5') into its national law, through amending Law 188(I)/2007 on 'Prevention and Suppression of Money Laundering and Terrorist Financing'. The relevant article 61A provides for a registry kept by the Companies Registrar concerning the beneficial owners of all companies and other legal entities.

Provisions for the publication of information of other media ownership will be included in the draft legislation "Law on the safeguarding of freedom of Press and the operation of Media in the Republic of Cyprus" – Press Law of 2023 (short title) (legal owner of each newspaper or electronic media). A proposal for legislation suggested by a Member of the House of Parliament was placed under discussion last October and is still on-going. This legislation aims to make the ownership models of television and radio organizations more

flexible, similarly with other European media systems, and at the same time strengthening the need for

informing the public of media ownership including beneficial owners. Further discussion on the matter is expected in 2023.

C. 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

The above-mentioned draft legislation under the title "Law on the safeguarding of freedom of Press and the operation of Media in the Republic of Cyprus" – Press Law of 2023 (short title) will cover matters of journalists' protection and editorial independence. Matters of journalists' work and safety will be included in the legislation. The Ministry of Interior aims to finalize the text with the involved parties in 2023.

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

The Cyprus Police Issues Operation Plans in accordance with Police Standing Order 1/9 for the safety of the public, for both citizens and property. During protests or similar events, the Police takes all the necessary security measures for the safety of all participants, including journalists. In case journalists remain in predetermined areas, then the Police takes the necessary measures for their security in the specific area. In case, they move within the areas where the protests/ demonstrations are taking place, the police cannot ensure their safety. Finally, in case there are complaints regarding attacks on journalists, the Police proceeds with the investigation of these complaints.

42. Access to information and public documents (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)

Legislative Framework: «*Ο περί του Δικαιώματος Πρόσβασης σε Πληροφορίες του Δημόσιου Τομέα Νόμος του 2017 (Ν. 184(Ι)/2017)* » - The Right to Access Public Sector Information Law of 2017 (L. 184(I)/2017), hereafter "the Law".
This Law establishes the right of access to information held by Public Authorities and sets out the rules for disclosing or upholding such information. The principal aim is for citizens to have access to information, formulate opinions and criticize Public Authorities' actions.

The Law aims at strengthening the Principles of Transparency and Accountability and at enhancing public scrutiny.

1. Supervisory Authority:

   The Independent Supervisory Authority for the Right to Access is the Information Commissioner. According to section 35 of the Law, the duties of the Information Commissioner are exercised by the respective Commissioner for Personal Data Protection, who is appointed by the Council of Ministers, upon the recommendation of the Minister of Justice and Public Order.

2. Procedures:

   According to sections 3, 8, 9 and 11 of the Law, any natural or legal person has the right to request, in writing, the disclosure of information. The application must include the applicant's name and contact address and a description of the requested information. The public authority should

   inform the applicant if it holds the requested information or not and if a fee is required for disclosing it. A public authority may not inform the applicant if it holds the requested information, for reasons of public interest.

   A public authority is not obliged to disclose the requested information, in the following cases:

   - Section 3: the provision of information concerns personal data, whether the applicant is the data subject or a third party towards them and, in such case, the provisions of the Processing of Personal Data (Protection of Individuals) Law shall apply.

   - Section 19: Requested information which –
     - the applicant has access through other methods,
     - relates to or is provided by security forces,
     - is included in judicial records,
     - is parliamentary information; or
     - is given subject to the condition of confidentiality and secrecy, as provided for in section,
     - are considered as absolute exceptions and shall not be provided.

Additionally, if the requested information is considered to fall within an absolute exception or the public interest as to the non-confirmation or denial of possession of the requested information supersedes the public interest as to the disclosure of possession or non-possession of the said information, public authorities' obligation for confirmation or denial of its possession does not exist.

- The below categories of information are exempted information and their provision is based on sections 22, 24-28, 30-33 of the Law:
  - Information held by a public authority for the purpose of publication,
  - Information affecting national security,
  - Information, the disclosure of which may harm the Defense of the Republic or the efficiency or the safety of the armed forces,
  - Information, the disclosure of which is likely to harm International Relations,
  - Information, the disclosure of which may harm the economic interests of the Republic,
  - Information which a public authority holds or held for any period of time and which emerged within the scope of investigations and procedures carried out by public authorities,
  - Information related to application of executive powers vested by law,
  - Information related to audit competencies,
  - Information related to formation of government policy,
  - Information related to health and safety.

3. Costs/ fees:

As a rule, fees should not be paid for disclosing information held by a public authority, in line with the Law. However, fees may be required when this is provided for, in other specific Regulations or Laws (statutory fees).

In addition, a public authority may charge an applicant with some fees, for example, when a vast volume of copied documents is requested or when locating the requested documents takes a lot of man hours (administrative fees). The calculation of administrative fees must be approved by the Treasury of the Republic.

4. Timeframes:

   Section 12 of the Law provides that a public authority shall process and deal with submitted access requests within a period of thirty (30) days from the date of their receipt unless a longer period is provided in Regulations. Where fees payable by the applicant are notified to him and such fees are paid, the period between the notification and the payment of the fees shall not be calculated as part of the time period of thirty (30) days. Moreover, pursuant to section 11(2) of the Law, the applicant must proceed with the fee's payment within three (3) months since the moment of its notification. A public authority, for justified reasons, may seek and receive the Commissioner's approval for extending the 30-day deadline.

5. Administrative/ judicial review of decisions:

   Section 45 of the Law provides that when the Commissioner issues a decision, the applicant and the public authority have the right to submit an objection against it, within fourteen (14) days from receiving the decision. In this case, the Commissioner is obliged to re-examine her initial decision and issue a new one within twenty (20) days (administrative review).

   Section 47 of the Law provides that the Commissioner's decisions are subject to recourse in accordance with the provisions of Article 146 of the Constitution (judicial review).

6. Execution of decisions by public authorities:

   According to section 44(4) of the Law, the Commissioner may issue a decision prescribing the measures that a public authority should take in order to comply with the Law and the period of time within which such measures shall be taken.

   In addition, according to section 46 of the Law, the Commissioner, at her discretion, may impose an administrative fine which shall not exceed five thousand euros (€5.000) on a public authority which, having received a decision by the Commissioner, as prescribed in sections 44 and 45, does not take the appropriate actions for the implementation of the measures prescribed therein within the prescribed deadline. Where the breach is continuing, the Commissioner may impose a fine of up to fifty euros (€50) for each day the breach shall continue.

7. Possible obstacles related to the classification of information:

   According to the Law, the classification of documents as RESTRICTED, CONFIDENTIAL, SECRET and TOP SECRET does not give ground for not disclosing them. However, the classification of a requested document can be an indicating factor, when determining whether it falls under one of the exemptions set out in the Law, or not. For example, it is reasonable to assume that the disclosure of a document classified as TOP SECRET, is more likely to affect national security, than the disclosure of a document classified as RESTRICTED.

For any further clarifications/ information please do not hesitate to contact us.

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

Cyprus joined the Media Freedom Coalition in April 2020. The work of the Coalition complements the significant role of international and regional organizations such as UNESCO, the Organization for Security and Co-operation in Europe and the Council of Europe. Cyprus fully supports the OSCE Representative on Freedom of Media in its efforts to end impunity for attacks against journalists. An important tool is the Council of Europe platform for the Protection of Journalists and the Safety of Journalism. The platform is a public space to facilitate the compilation, processing and dissemination of information on serious concerns about media freedom and safety of journalists in Council of Europe member States, as guaranteed by Art. 10 of the European Convention on Human Rights. The relevant link is: https://www.coe.int/en/web/media-freedom/cyprus]. Cyprus endorsed the «Hague Commitment to increase the Safety of Journalists» in December 2020. Cyprus also made a symbolic voluntary financial contribution to the UNESCO Global Media Defense Fund in December 2020. On June 10-11 2021, Cyprus hosted the Council of Europe Conference of Ministers responsible for Media and Information Society in a hybrid format.

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 2022 Report regarding the system of checks and balances (if applicable***) - N/A

A. The process for preparing and enacting laws

45. Framework, policy and use of impact assessments and evidence-based policy-making, stakeholders'11/public consultations (particularly consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process

In an effort to establish a framework for the effective and timely consultation of stakeholders in the legislative process, there is alignment with the Commission's Communication on improving the Regulatory Framework, including Public Consultations. In this sense, Cyprus is geared towards ensuring procedures and processes that are coherent and transparent, while safeguarding that public consultations offer value added without imposing unnecessary burden on stakeholders.

In Cyprus, as of the beginning of this year, an e-consultation platform (https://e-consultation.gov.cy/) on which all consultations carried out by the public sector will be held and archived has been completed and set into operation. This will make it easier for all involved partners and the public to identify all ongoing consultations and submit their views, either as individuals or as representatives of stakeholders, contributing to increased transparency and accountability. This online platform will centrally host all stages of public consultation (invitation, comments, results) in real time, keep a history and provide the possibility to index all completed processes. At the end of the consultation process a full report of all submitted comments will be issued and published on the platform, along with the revised draft of the legislative measure, following the consultation. The public consultation procedure includes, for the time being, only draft bills/regulations. The aim is to, as some point, include Strategic/ Programming Documents as well.

Cyprus is also at the stage of finalizing a new Consultation Guide for public consultations, based on relevant European directives, and by revising the version initially issued by the Unit for Administrative Reform in December 2016. The Guide aims to set guidelines as well as to provide general information on the conduct of online Consultations to all relevant Ministries/Services that intend to introduce new legislation, so that all Services follow a coordinated and aligned approach. Each ministry/service has appointed a Consultation liaison officer who has been trained to use the platform and offer access to the officers that will be coordinating each consultation process.

At the same time, in collaboration with the Commissioner for the Citizens, the aim is to bring all stakeholders on board and raise awareness through trainings and learning programmes. A National Strategy for Active Citizenship and Participatory Governance is currently being formulated that is geared towards a more open and participatory governance, access to information and consultation as well as active citizenship.(more info on the Strategy under question 57)

Finally through the e-legislation project, that is promoted with financing from the RRP, the drafting of legislative measures will be carried out on an electronic platform to be

prepared in the context of the project. The drafting process will be guided by and based on a universal template. In addition there will be a roadmap with the necessary steps for preparing the legal measure with public consultation being a required step. The e-legislation project will contribute considerably to the preparation of improved legislative measures with enhanced accountability and transparency.

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)

47. Regime for constitutional review of laws

The Supreme Constitutional Court (SCC) will have a jurisdiction for the review of constitutionality of laws, but it will also 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" (Article 9 (b) Administration of Justice (Miscellaneous Provisions) Law). This will also ensure that the SCC does not remain idle when there are no constitutional cases pending.

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" (Article 9 (a) Administration of Justice (Miscellaneous Provisions) Law.

48. COVID-19: provide update on significant developments with regard to emergency regimes/measures in the context of the COVID-19 pandemic

- judicial review (including constitutional review) of emergency regimes and measures in the context of COVID-19 pandemic

- oversight (incl. ex-post reporting/investigation) by Parliament of emergency regimes and measures in the context of COVID-19 pandemic

Parliament had an oversight (incl. ex- post reporting/investigation) of emergency regimes and measures in the context of Covid-19 pandemic

Given the lifting of all the restrictive measures aimed at the prevention of the spread of the pandemic, any potential infringement of human rights related to these measures has also ended.

As a result, the submission of complaints to the Ombudsman Office regarding the restrictive measures has ceased, while, at the same time, the Commissioner's ex officio intervention for any issue related to the pandemic was not deemed necessary, since no such issue existed.

The only pandemic-related issues that continued to be addressed by the Ombudsman's Office in 2022 did not concern human rights violations, but secondary issues, such as delayed payment of pandemic allowances/benefits to beneficiaries from the State, issues related to leaves of absence from work granted during the pandemic etc.

- processes related to lessons learned/crisis preparedness in terms of the functioning of checks and balances

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***

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 (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 in **full compliance 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).

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 will be recruited by the next few weeks.

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.

Our Institution's operating budget for 2022 amounted to 2.132.010 euros, compared to 2016 which amounted to 1.823.357 euros.

As regards to staff members, is noted that the staff of our Institution has been increased during 2020-2021 with the recruitment of five (5) Officers and there is an ongoing procedure for the recruitment of seven (7) additional Officers during the next weeks.

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.

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.

As is mentioned in the Annual Report for the year 2021, during 2021, the examination of 2,515 complaints was completed.

In 1605 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 2021 the Commissioner submitted 229 Reports / Ex Officio Interventions and the compliance rate of the involved Authorities/Services was approximately 81%. For approximately 11% 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, 593 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 2022 are not yet complete and will be in our Annual Report for the year 2022, 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)

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).

The Appeal Court

An important pillar of the modernised court system is the newly-created Court of Appeal[14] , which will be composed of 16 judges and will have three divisions: civil, criminal and

[14] *The Administration of Justice (Miscellaneous Provisions) (Amendment) Act 2022 (N. 145(I)/2022), the Court of Justice (Amendment) Law of 2022 (L.146(I)/22)*

revisional (administrative law) in order to promote a higher degree of specialization among judges.

The relevant Law contains transitional provisions regarding appeals that are already pending before the current Supreme Court. Broadly speaking, appeals filed after a date to be specified by the current Supreme Court will be referred to the new Court of Appeal, while appeals filed before that date, will be tried, in the case of civil and criminal appeals by the new Supreme Court and with respect to revisional appeals by the Supreme Constitutional Court.

The Court of Appeal is expected to try *3149 cases* of which 2158 are civil appeals filed since 1 January 2018; 233 are criminal appeals, 688 are administrative review appeals filed since 1st of January 2019 (582 against a decision of a judge of the Administrative Court and 106 against a decision of a judge of the Administrative Court for International Protection) and 70 civil applications regarding primary jurisdiction to issue prerogative writs.

The Supreme Constitutional Court (SCC) will have a jurisdiction for the review of constitutionality of laws, but it will also 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" (Article 9 (b) Administration of Justice (Miscellaneous Provisions) Law). This will also ensure that the SCC does not remain idle when there are no constitutional cases pending.

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" (Article 9 (a) Administration of Justice (Miscellaneous Provisions) Law.

The Supreme Court (SC) will be repurposed 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.

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

D. The enabling framework for civil society

54. 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)

Anyone can register an NGO as a legal entity. This right is protected by the Constitution of the Republic of Cyprus, article 21. The Societies and Institutions and other related matters Law, N104(I)/2017, describes the registration process and the obligations that come with the registration of an NGO (Articles 5 ,6,6A, 7, 26, 29, 44 and 46). The dissolution of an NGO can be done in accordance with the Law either by a decision of the General Assembly of the NGO, or by a relevant request of the relevant Registrar for reasons stated in the Law (Articles 18, 22 and 24).
It is noted that an NGO can be registered as a Non-Profit Company and obtain legal personality under the provisions of the Companies Law (Chapter 113).

55. 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.

The operation of NGOs in Cyprus is regulated by Law 104(I)/2017 or Chapter 113, depending on the Law from which the NGO obtains legal personality. Also, the Constitution of the Republic of Cyprus guarantees the right of expression of each person, as well as their security. Law 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. There is no restriction on the freedom of expression of NGOs.

In cases where threats are reported and/or such threats are identified, these are evaluated by the Intelligence Management and Analysis Sub-Directorate, and in case a complaint is submitted by the complainant, the Police investigates any possible criminal liability. Also, any potential risk of damage to property, is assessed and all measures for the protection of the property and the persons affected, are taken. These measures may include patrols, inspection of the area and other security measures for the protection. Police Standing Order 5/59 is relevant.
In cases of threats against life, aiming to kill any person or in the case a person is a victim of a crime, the Intelligence Management and Analysis Sub- Directorate proceeds with the evaluation of the information received and prepares a relevant "Risk and Threat Assessment Report", as it is provided in Police Standing Order 5/60, which is sent to the relevant Police Directorate, with a notification to the Assistant Chief (Crime Prevention and Combating). If the information received refers to organized crime or if the need to

take measures beyond the capabilities of the Police Directorate, is evident, the said Report is sent directly to the Assistant Chief (Crime Prevention and Combating).

56. 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)

The basic parameter for the inclusion of an NGO in funding either by the State or by third parties is its registration as a Legal Entity and they are regulated and controlled based on the provisions of Law 104(I)/2017 or Chapter 113, accordingly. There is no limitation on funding, unless the statute of the NGO states otherwise.
The Ministry of Finance handles separate legislation regarding the tax exemption of NGOs based on specific criteria.

57. 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.)

In order to strengthen the participation of civil society to the decision-making process, the Ministry of Interior intends, through its new platform for the Registry of Societies and Institutions, to provide as an additional tool, information on the Public Consultations that are announced.

The Council of Ministers of Cyprus, with its Decision no. 92.576, dated 9 February 2022, approved the development and implementation of a National Strategy on Active Citizenship and Participatory Governance. The National Strategy on Active Citizenship and Participatory Governance 2023-2030 is now ready and was presented publicly on 10 January 2023. The Strategy expresses the Government's commitment to significantly reinforce participatory and deliberative governance, as well as promote citizens' active participation in public life. Forming an integrated political framework, with specific goals and priorities, it initiates the implementation of structured actions, ensuring cross-sector cooperation to activate and ensure citizens' participation in policy-making and decision-making processes.

More specifically, the National Strategy seeks the formation and adoption of a single institutional framework that governs and strengthens citizens' participation in decision-making processes, as well as contributing to the development of the culture of active citizenship. In this direction, it highlights the need to align, enrich and improve existing mechanisms, structures and policies, so that citizens have the opportunity to participate

in the formulation, implementation and monitoring of public policies at all levels. Additionally, it emphasizes the need to adopt coordinated and holistic approaches and ensures cross-sectoral collaboration.

The Strategy has been developed by the Office of the Commissioner for the Citizen with the direct or indirect involvement of bodies, services and institutions of the public and wider public sector, organized Civil Society and citizens. It is based on the principles of participatory and deliberative governance and the priorities set by the European Action Plan for Democracy and is fully in line with European Policies and best practices at an international level.

Moreover, the Government has drafted the Citizens' Initiative Law. This Bill is based on the European Citizens' Initiative and is currently being discussed at the Parliamentary Committee on Legal Affairs. Once approved by the Parliament, the Law will give the opportunity to citizens to submit requests or suggestions/initiatives to the Government on serious matters, by collecting signatures by supporters, through an online platform which is currently being developed. It is a very important tool that empowers the effective participation of citizens in the decision-making process and in public policy making.

Finally, some other initiatives took place during 2022 in order to encourage public discussion. Such activities were the Open Citizens' University, which enhanced citizens' access to important information, creating a suitable environment for debate, co-creation of new actions and submission of new proposals that inject current policies on important issues, as well as the first Democracy Forum in Cyprus, that took place in May 2022, with two pre-events, i.e., an Ideas Lab on Public Consultations and a Digital Feedback from the Ministry of Finance.

E. Initiatives to foster a rule of law culture

58. 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, etc.)

The Ministry of Interior is in favor of any initiative which aims to strengthen the rule of law culture. Regarding the area of responsibility of the Directorate of Associations, Fundraising and Media, it plans to hold public awareness seminars in relation to the new platform which will be able to provide more knowledge on the obligations but also the rights of NGOs, with updates on financial programs, promotion of collaborations between NGOs, etc, with the ultimate goal of higher quality activities of NGOs in Cyprus and their strengthening at all levels. The safeguarding of media pluralism while promoting a rule of law culture in the sensitive media domain without adding unnecessary constraints to it, is also of key importance and the new legislative framework ("Law on the safeguarding of

freedom of Press and the operation of Media in the Republic of Cyprus" – Press Law of 2023) aims to do this.

It is noted that in 2023, the Press and Information Office plans to kick off the Safety of Journalists Campaign of the Council of Europe with a series of public events.

During the last years, the Ombudsman's Office undertook a number of actions in relation to the strengthening of the Rule of Law in Cyprus.

These included, firstly, submission of Reports or the issuance of Public Opinions or Public Announcements, on the protection of rights of citizens, especially those belonging to more vulnerable groups. These interventions often contained specific recommendations to change administrative decisions or practices in accordance with the Law.

Secondly, further to interventions in the form of Reports/Statements and Announcements, the Ombudsman's Office in its capacity as National Human Rights Institute (NHRI) has also engaged in the course of 2022 in a number of actions which aimed to raise awareness on human rights issues and/or contribute with our experience on the promotion of the rule of law. Indicative examples of such actions were the following:

- Organization of t regular Presentations/Trainings to Police Officers, in cooperation with the Police Academy, on the crucial role of the Police in implementing the Rule of Law, especially the Laws that protect human rights.
- Continuation of the joint work r with a local NGO on LGBTQI Rights, and other civil society partners, in a Project that aims to promote the political representation and participation in decision making of the LGBTQI+ community. Organization of seminars and workshops in respect to the prevention and elimination of sexual harassment in the work place.
- Participation and intervention, in discussions held in Parliamentary Committees, concerning the drafting of bills affecting the Rule of Law in matters related to our competences.
- In 2021, in cooperation with the Office for Democratic Institutions and Human Rights (ODIHR) of the Organization for Security and Co-operation in Europe (OSCE), a joint initiative was launched to explore the possibilities that exist for the development and promotion of interagency co-operation between competent public authorities and civil society bodies, in order to address hate crimes in Cyprus more effectively.

- In 2022, an Advisory Committee on Human Rights, was established for enhancing the visibility of the powers of the Commissioner regarding the promotion and protection of human rights and its formal engagement with the civil society.

Additionally, during the last years the Ombudsman Office has also organized the following awareness raising campaigns addressed to rights holders and the general public:

- Campaign called "Break the Silence" (2021).
- A Campaign to promote the "Equal Participation of Persons with Disabilities in Elections" was launched in 2021
- An Awareness Campaign for Human Rights on the 30th Anniversary of the introduction of the introduction of the institution of the Ombudsman Office in the Republic of Cyprus
- With the pandemic of COVID-19 virus in Cyprus and the restrictions imposed by the State to prevent its spread, the Ombudsman Office, in its capacity as a human rights defender, has been put on alert in order to intervene and help any possible violation. In view of the above, the Ombudsman's Office has organized an Awareness Campaign on COVID-19 & Human Rights.
- Within the framework of her responsibilities as the National Human Rights Institution, the Commissioner has been carrying out since 2020 an information campaign on hate speech and the freedom of expression.
- The Commissioner, under her mandate as a National Preventive Mechanism prepared, in cooperation with lawyers of the Association of the Protection of the Rights of Prisoners & Ex-Prisoners a Guide of Prisoner's First Contact. The aim of the guide is to inform new detainees / prisoners about their rights, obligations, and rules of safe cohabitation within the prison. The guide aims to answer, in plain and simple terms, some initial simple questions about prisoner's rights. This will be followed by translations into languages understood by foreign prison inmates and will be reissued.