

REPUBLIC



OF CYPRUS

19(I) of 2022

**THE ESTABLISHMENT AND OPERATION OF THE INDEPENDENT  
AUTHORITY AGAINST CORRUPTION LAW, 2022**  
*(English translation)*

**Office of the Law Commissioner  
Nicosia,  
December, 2022**

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### **NOTE FOR THE READER**

The publication at hand by the Office of the Law Commissioner is an English translation of Law No.19(I) of 2022 enacted in Greek.

However useful the English translation of the Law is in practice, it does not replace the original text of the Law since only the text published in the Official Gazette of the Republic is authentic.

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**A LAW TO PROVIDE FOR THE ESTABLISHMENT AND OPERATION OF THE INDEPENDENT  
AUTHORITY AGAINST CORRUPTION**

The House of Representatives enacts as follows:

Short Title  
19(I) of 2022.

1. This Law may be cited as the Establishment and Operation of the Independent Authority against Corruption Law, 2022.

Interpretation.

2. In this Law unless the context otherwise requires-

23(III) of 2000  
22(III) of 2012.

22(III) of 2006  
23(III) of 2012.

Cap. 161.  
97(I) of 2012.  
51(I) of 2004  
62(I) of 2008.

“acts of corruption” means the offences provided for in the Convention of the Council of Europe on the Criminalization of Corruption (Ratification) Law, the Additional Protocol to the Convention of the Council of Europe on the Criminalization of Corruption (Ratification) Law, the Prevention of Corruption Law, the Unlawful Acquisition of Property Benefit by Officers and Public Officials Law, the offences included in the Criminal Code which involve the element of official corruption or abuse of power or trust, or are directed against the exercise of legal authority, as well as any other offences which by their nature constitute an act of corruption.

“Authority” means the Independent Authority against Corruption established pursuant to the provisions of section 3;

“Commissioner for Transparency” means the Commissioner for Transparency appointed pursuant to the provisions of section 3;

“fundamental principles against corruption” means the principle or principles of transparency, accountability, prevention of conflict of interest and good administration.

Official Journal of  
the E.U.: L119,  
4.5.16, p.1.

“General Data Protection Regulation” or “GDPR” means the act of the European Union titled “Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free

movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation)";

"information" means any form of written or oral information or documents and includes information in electronic form;

"inspection officer" means a person designated as a control inspection officer by the Authority pursuant to the provisions of section 13;

"Member of the Authority" means the Commissioner for Transparency and/or the members of the Authority appointed pursuant to the provisions of section 3;

"official" means a person who undertakes or has undertaken any function or office or post provided for or established pursuant to the Constitution or any other Law;

"party office" means a position in the highest organizational structure of a political party, the holder of which, based on its constitution, directly influences the formation of policies or is directly involved in the exercise of political power or in the financial management of the party;

"public officer" has the meaning assigned to it by section 4 of the Criminal Code;

Cap.154

3 of 1962  
43 of 1963  
41 of 1964  
69 of 1964  
70 of 1965  
5 of 1967  
58 of 1967  
44 of 1972  
92 of 1972  
29 of 1973  
59 of 1974  
3 of 1975  
13 of 1979  
10 of 1981  
46 of 1982  
86 of 1983  
186 of 1986  
111 of 1989  
236 of 1991  
6(l) of 1994  
3(l) of 1996  
99(l) of 1996  
36(l) of 1997  
40(l) of 1998

45(l) of 1998  
15(l) of 1999  
37(l) of 1999  
38(l) of 1999  
129(l) of 1999  
30(l) of 2000  
43(l) of 2000  
77(l) of 2000  
162(l) of 2000  
169(l) of 2000  
181(l) of 2000  
27(l) of 2001  
12(l) of 2002  
85(l) of 2002  
144(l) of 2002  
145(l) of 2002  
25(l) of 2003  
48(l) of 2003  
84(l) of 2003  
164(l) of 2003  
124(l) of 2004  
31(l) of 2005  
18(l) of 2006  
130(l) of 2006  
126(l) of 2007  
127(l) of 2007  
70(l) of 2008  
83(l) of 2008  
64(l) of 2009  
56(l) of 2011  
72(l) of 2011  
163(l) of 2011  
167(l) of 2011  
84(l) of 2012  
95(l) of 2012  
134(l) of 2012  
125(l) of 2013  
131(l) of 2013  
87(l) of 2015  
91(l) of 2015  
112(l) of 2015  
113(l) of 2015  
31(l) of 2016  
43(l) of 2016  
31(l) of 2017  
72(l) of 2017  
23(l) of 2018  
24(l) of 2018  
108(l) of 2018  
134(l) of 2020  
150(l) of 2020  
27(l) of 2021  
45(l) of 2021  
190(l) of 2021.

44(l) of 2019.

“personal data” has the meaning assigned to it by the provisions on the Protection of Natural Persons with regard to the Processing of Personal Data by Competent Authorities for the Purposes of the Prevention, Investigation, Detection or Prosecution of Criminal Offences or the Execution of Criminal Penalties and on the Free Movement of such Data Law;

"private sector" means a natural person and a private legal entity or private organisation.

"public sector" has the meaning assigned to the term "public service" by Article 122 of the Constitution and includes any independent service or authority for which a provision is made in the public budget, the Police, the Cyprus Fire Service, the Public Education Service and the Armed Forces of the Republic, as well as officers and persons employed in the public service;

"Republic" means the Republic of Cyprus;

"wider public sector" means a public corporate body or public organisation including local authorities , or any other public organisation without legal personality, established by Law for the public interest, the funds of which are either provided for or guaranteed by the Republic and includes a private legal entity and a state or semi - state company, as these terms are interpreted in the Professional Incompatibility of Certain Officers for Certain Professional and Other Related Activities Law;

7(l) of 2008  
12(l) of 2014  
40(l) of 2017  
121(l) of 2017  
20(l) of 2019.

Establishment of an  
Independent  
Authority against  
Corruption.

3.-(1) There shall be established an Independent Authority against Corruption, pursuant to the provisions of this Law, having the powers and competences 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-

- (ii) one (1) retired judge of the Supreme Court, who shall be appointed on the recommendation of the Supreme Court,
- (iii) the president of the Cyprus Academy of Sciences, Letters and Arts,
- (iii) the president of the Cyprus Bar Association,
- (iv) the president of the Institute of Certified Public Accountants of Cyprus, and
- (iv) 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<sup>th</sup>) degree of kindred or any relationship by marriage or affinity up to the second (2<sup>nd</sup>) 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.

50(I) of 2004  
267(I) of 2004  
11(I) of 2005  
41(I) of 2005  
47(I) of 2006  
69(I) of 2017  
127(I) of 2017  
154(I) of 2017  
178(I) of 2017  
128(I) of 2018.

Operation of the  
Authority.

4.-(1) The chairman shall convene the meetings of the Authority and preside thereof.

(2) The Authority shall be in quorum when at least three (3) members of the Authority shall be present.

(3) The decisions of the Authority shall be taken by majority of votes of the members present and in case of an equality of votes, the chairman or his deputy shall have a second or casting vote.

(4) In the case of temporary absence or temporary incapacity of the chairman of the Authority to execute his duties, the senior member of the Authority shall exercise the duties of the chairman.

Provided that, in the case where the members of the Authority were appointed on the same date, the duties of the chairman shall be exercised by the eldest out of the four (4) members of the Authority

(5) During the meetings of the Authority, minutes shall be kept in which the matters discussed in each meeting shall be recorded and every member of the Authority present, may request that his substantive views on a decision of the Authority be recorded in the minutes which shall be read and ratified at the commencement of the immediately subsequent meeting and shall be signed by the chairman.

(6) The members of the Authority shall receive compensation and benefits as the Council of Ministers may determine, which shall not be differentiated in any manner during the term of their office.

(7) The Authority, for the exercise of its work, shall have an office, the staff of which shall be appointed subject to the conditions and pursuant to the procedure set out in Regulations made by virtue of the provisions of section 28.

Qualifications,  
resignation and  
removal of  
members.

5.-(1) Appointed as members of the Authority shall be persons of recognised prestige and highest moral standing who are capable of contributing to the fulfilment 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.

Cap.5.

49 of 1985  
197 of 1986  
156(I) of 1999  
2(I) of 2008  
74(I) of 2008  
206(I) of 2012  
81(I) of 2015  
80(I) of 2016  
146(I) of 2017  
38(I) of 2018  
90(I) of 2018.

(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.

(7) Any member of the Authority, during the term of his office, may submit his resignation in writing to the President of the Republic, which shall not be subject to revocation and shall have immediate effect without the need for same to be accepted by the President of the Republic.

(8) Any member of the Authority, during the term of his office, shall be removed and retire from his office in the same manner that a judge of the Supreme Court is removed or retires from his office, that is to say, on account of-

(a) mental or physical incapacity or disability or any other illness that would render him incapable of sufficiently fulfilling his duties for a long period of time or for the rest of his term of office;

(b) misconduct or constant absence or negligence during the performance of his duties;

(c) his conviction for a criminal offence involving dishonesty or moral turpitude which constitutes an obstacle for his appointment to the public

service, or his conviction for a criminal offence in connection with the performance of his duties; or

(d) contravention of the provisions of sections 16 or 17.

(9) Subject to the provisions of this section, in the event of resignation or removal of a member of the Authority, as provided in subsections (7) or (8) or the death of a member of the Authority, the President of the Republic shall immediately appoint another person for the remaining term of his office, in accordance with the procedure provided for in subsections (2) and (3) of section 3.

(10) The members of the Authority shall continue to exercise the competences, duties and powers of their post, regardless of the temporary vacancy of the post of a member of the Authority.

(11) The President of the Republic may extend the term of office of the members of the Authority for a period not exceeding three (3) months, in case where it shall be deemed necessary for the completion of the procedures commenced pursuant to the provisions of this Law:

Provided that, the members of the Authority shall be obliged to complete their work within the specified time period.

Mission of the Authority.

6.-(1) The mission of the Authority shall be 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.

(2) The Authority shall 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:

Provided that, with regard to persons of the private sector, complaints may be submitted to the Authority solely in connection with acts of corruption by persons of the private sector in which persons of the public sector or of the wider public sector are directly involved and/or acts of corruption by persons of the public sector or of the wider public sector in which persons of the private sector are involved.

125(l)of 2018. (3) The collection and processing of personal data for the purposes of fulfilling the mission of the Authority shall be carried out subject to the provisions of the GDPR and of the Protection of Natural Persons against the Processing of Personal Data and on the Free Movement of such Data Law.

Competences of the Authority.

7.-(1) The Authority shall be defined as 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 shall have the following competences and powers:

- (a) to supervise the actions of the services of the public sector, the wider public sector and of the private sector in matters of prevention and combating of acts of corruption.
- (b) to assess whether the results of the actions of the services of the public sector, of the wider public sector and of the private sector in matters of prevention and combating of acts of corruption are compatible with the expected results and the prescribed objectives based on internationally recognized best practices and standards for the prevention and combating of acts of corruption and whether such actions are implemented as these were planned and, if deemed necessary, it shall take measures within its competences for the implementation of the actions as these were planned and for achieving the prescribed objectives;

- (c) to draw up, on its own motion, reports with opinions, recommendations and proposals for the prevention and combating of acts of corruption and for the observance of the fundamental principles against corruption, which it shall send to the competent services for update, opinions and/or any actions;
- (d) to contact and consult with non-governmental organizations and bodies, professional associations, organized groups and with corresponding authorities of the Republic and from abroad, for the purpose of exercising its powers provided for in paragraph (c);
- (e) to cooperate with the competent professional associations for the proper implementation of internal control mechanisms of the private sector for the prevention and combating of acts of corruption.
- (f) to inform the private sector of the internationally recognized best practices and standards for the prevention and combating of acts of corruption and to provide advice and guidance for their adoption and proper implementation;
- (g) to assess the risks related to acts of corruption, to determine the assessment indicators and, provided it is deemed necessary, to draw up reports with opinions, suggestions and recommendations for the prevention and combating of such acts, which it shall send to the competent authorities, as appropriate, for information purposes, opinions and/or any actions;
- (h) to prepare studies, issue circulars to the competent, in each case, authorities, take measures within its competences towards ensuring its mission and issue manuals for information and education purposes;
- (i) to deal with issues of overlapping of competences between services or organizations involved in the prevention and combating of acts of corruption, by submitting recommendations for their effective resolution;

- (j) to propose, process and plan actions of co-financed, interstate and other, programs, in which the competent services of the public sector, of the wider public sector and of the private sector, participate;
- (k) 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;
- (l) 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;
- (m) to receive complaints and receive information and personal data which relate to acts of corruption in the public sector, the wider public sector and the private sector;
- (n) to investigate and assess any complaint, information or personal data which come to its attention which relate to acts of corruption in the public sector, the wider public sector and the private sector;
- (o) to investigate on its own motion, within the scope of its mission, any matter related to acts of corruption of any service in the public sector, the wider public sector and the private sector and to submit a report to the competent authority, as appropriate;



(p) subject to the provisions of the GDPR and the Protection of Natural Persons Against the Processing of Personal Data and on the Free Movement of such Data Law, to collect, record, process, assess, utilize and investigate information and personal data concerning the commission of acts of corruption in the public sector, the wider public sector and private sector;

(q) subject to the provisions of paragraph (1) of section 89 of the GDPR and section 31 of the Protection of Natural Persons Against the Processing of Personal Data and on the Free Movement of such Data Law, to collect, record, process, assess and utilise information and personal data concerning acts of corruption in the public sector, the wider public sector and the private sector, with the aim, inter alia, to produce statistics and/or statistical analysis related to its mission:

Provided that, in case where the personal data collected concerns special categories of data, such data shall be granted subject to the provisions of the GDPR and of the Protection of Natural Persons Against the Processing of Personal Data and on the Free Movement of such Data Law:

It is further provided that, in the event that during the collection of information and personal data any evidence is obtained which may constitute a contravention of the provisions of this Law or the legislation in force, further to that investigated by the Authority, such evidence may constitute a sufficient basis for taking further measures, in accordance with the provisions of this Law;

(r) subject to the provisions of the GDPR and the Protection of Natural Persons Against the Processing of Personal Data and on the Free Movement of such Data Law, to prepare, keep and manage files and/or registers with information and personal data which are necessary for carrying out its mission and its competences, including a central register with the special interest groups;

(s) to perform the competences assigned to it pursuant to the provisions of this Law or any other Law and to take measures for the purpose of prevention and combating of acts of corruption which conflict with their provisions; and

(t) to carry out any other work which falls within the framework of coordination, monitoring and assessment of the mechanisms for the prevention and combating of acts of corruption.

(2) Subject to the provisions of section 14, information and personal data collected by the Authority shall be exclusively used for the purposes of the exercise of its competences and the fulfillment of its mission.

(3) The provisions of this section shall not affect in any way the mission and the competences of ministries, deputy ministries, independent authorities, departments and services of the Republic.

(4) The following shall not fall within the competences and powers of the Authority-

(a) any matter concerning the relations between the Republic and any other state or international organization or the security of the Republic or which falls within the scope of defensive diplomacy or security policy or foreign policy of the Republic,

(b) any act for which a criminal procedure is pending before a court or a criminal investigation or inquiry is being conducted.

Additional powers  
of the Authority.

8. The Authority, in investigating any complaints, pursuant to the provisions of sub-paragraphs (m), (n) and (o) of subsection (1) of section 7 and subject to the provisions of the GDPR and the Protection of Natural Persons Against the Processing of Personal Data and on the Free Movement of such Data Law, in addition to the powers set out in section 7, shall have the following powers which shall be exercised by one or more

members of the Authority or by an inspection officer as provided by the provisions of this Law:

(a) Subject to the provisions of section 12, to request data in any form, including electronic form, as well as information, written or oral, which may assist in its mission, from all departments, directorates, authorities and services of the public sector, the wider public sector and the private sector for matters relating to the commission of acts of corruption;

(b) subject to the provisions of section 12, to summon or otherwise, hear any testimony and to receive, in its discretion, a written or recorded, statement from any person who may be in possession of evidence or may know anything related to the case, who himself ought to appear before it and provide the information in his possession:

Provided that, in case in which any question tends to incriminate the witness, he may refrain from answering and, in such a case, he shall not be subject to any penalty for his refusal;

(c) to require that any written or oral testimony shall be given under oath or with a declaration as such would be required from the witness had he given evidence in court;

(d) to conduct a view of locus or order an expert opinion subject to the terms and conditions provided for in the provisions of the Criminal Procedure Law;

Cap. 155.

93 of 1972  
2 of 1975  
12 of 1975  
41 of 1978  
162 of 1989  
142 of 1991  
9(I) of 1992  
10(I) of 1996  
89(I) of 1997  
54(I) of 1998  
96(I) of 1998  
14(I) of 2001  
185(I) of 2003  
219(I) of 2004  
57(I) of 2007  
9(I) of 2009  
111(I) of 2011  
165(I) of 2011  
7(I) of 2012  
21(I) of 2012  
160(I) of 2012  
23(I) of 2013  
16(I) of 2014

42(l) of 2014  
186(l) of 2014  
110(l) of 2018  
129(l) of 2018  
68(l) of 2021.

(e) to accept any testimony, whether written or oral, regardless of whether such testimony may not be accepted in civil or criminal proceedings;

(f) subject to the provisions of section 13, to assign the execution of certain specially designated investigative acts to a person other than the inspection officer:

Provided that, a person who shall be authorized to execute certain investigative acts shall have the same powers for these acts as the Authority unless the Authority shall decide, at any time, to limit them;

(g) to call and consult with any expert in the course of its investigation.

Actions during the assessment of complaints and information.

9.-(1) The Authority, before commencing any investigation process pursuant to the provisions of this Law, shall study any complaint and/or information which was submitted to it or which has come to its attention in any other way, in order to conclude whether such relates to an act which falls within the provisions of this Law.

(2) In cases where, following a study or any actions, as provided for in subsection (1), the Authority shall conclude that the complaint or information does not relate to an act that falls within the provisions of this Law, it shall inform accordingly, in writing, the person who submitted the complaint and/or information.

(3) In cases where the Authority, at any stage of the examination and/or investigation of a complaint or information, pursuant to the provisions of this Law, shall deem that the commission of an additional offence is evident from the same facts, it shall proceed to the investigation of such offence:

Provided that, in case where the commission of an additional offence is evident, which however is not linked to an act of corruption, it shall inform the Attorney - General of the Republic accordingly and it shall not initiate

and/or it shall terminate an investigation commenced of an offence which does not fall within the provisions of this Law.

Conducting of criminal investigation.

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.

No prejudice to the powers of the Attorney – General.

11. The exercise of the powers of the Authority shall be performed without prejudice to the powers of the Attorney - General, as these are set out in Article 116 of the Constitution or in any Law in force from time to time:

Provided that, the Authority shall cooperate with the Attorney - General for the exchange of information and the receipt of technical assistance for combating corruption.

Power to collect information and personal data.

12.-(1) Subject to the provisions of the GDPR, the Protection of Natural Persons Against the Processing of Personal Data and on the Free Movement of such Data Law and any other relevant legislation, the Authority shall have the power to request information and personal data which are absolutely necessary or essential for the purpose of the exercise of its competences and the fulfillment of its mission and to require with written request, the provision, within a specified period, of such data from ministers, officials, public officers, employees of the public sector, the wider public sector or the private sector, mayors, mukhtars, members of municipal and community councils and their employees, employees of services of the Republic, other authorities or councils which were established or are established by Law, and from any other person falling within its competences, as well as from any other person that the Authority

shall reasonably deem he is in a position to give the requested information or personal data.

(2) The written request of the Authority as provided for in subsection (1), shall specify the purpose for the collection of the personal data, the provision from which such power of the Authority derives, the period specified for the provision of the necessary information and personal data and the possible penalties, in case of non-compliance with the obligation provided for in subsection (1).

(3) A person, to whom the request of the Authority for the collection of information and personal data is addressed, shall have the obligation for a timely, complete and precise submission of the requested information and personal data, provided that the request does not concern the audit and collection of information which constitutes correspondence, communication, professional or legal confidentiality or evidence the access to which requires a Court order, and in such an event, such person shall have the right to refuse the submission of such evidence to the Authority.

(4) Subject to the provisions of section 14, the information and the personal data provided to the Authority in the exercise of its power shall be confidential and may be used solely for the purposes of the exercise of its competences:

Provided that, in the event where during the collection of information and personal data, any evidence is produced which may constitute contravention of the provisions of this Law or the legislation in force, such evidence may constitute a sufficient basis for taking further measures, as these are provided for by the provisions of this Law.

(5) Saving the conditions and limitations provided in subsection (3) regarding the audit and collection of evidence, the obligation for the provision of information and personal data provided for in this section shall include the obligation for the presentation, quotation and deposition of every type of written evidence and information, including the minutes of

the meetings of any legal entity and personal data in any form, which are related to acts of corruption.

(6) A person who receives a request from the Authority for the provision of information pursuant to the provisions of this section shall be obliged to not communicate such information in any manner to any other person and to treat same as fully confidential.

**Appointment of  
inspection officers**

**13.-(1)** For the purposes of investigation and assessment of complaints performed pursuant to the provisions of this Law, the Authority may appoint, as inspection officers, persons with a recognised and specialized experience in the fields of examination and assessment of information and personal data who are capable to assist in the exercise of its competences and in the fulfillment of its mission and who are trained in matters of corruption risk assessment.

(2) A person appointed as an inspection officer shall be prohibited from having any financial or other interest in connection with the exercise of his duties.

(3) During the performance of the investigation and assessment provided for in subsection (1), the inspection officer may exercise the powers with which the Authority is empowered pursuant to the provisions of this Law for the collection of information and personal data.

(4) The inspection officer shall act in accordance with the instructions of the Authority and the investigation and assessment by himself of any complaints shall be reviewed and supervised by the Authority, whereas, in the event where the Authority shall deem, in its discretion, that such person does not respond adequately to his duties, the Authority may remove him, having paid to him any rights accrued until the date of his removal.

(5) A person, to whom the Authority shall assign the investigation and assessment of complaints, may for this purpose exercise the powers which are provided for in the provisions of this Law and act in accordance with them.

(6) The inspection officer, after completing the investigation and assessment of the complaint, shall draw up a report and shall submit same to the Authority together with all the relevant documents.

Actions by the Authority in cases of contravention.

14. The Authority, while exercising its power for investigation of complaints and collection or processing of information and personal data or from any information which is presented before it in any manner, as soon as it ascertains a potential contravention of the provisions of this Law or the existing legislation, shall act as follows:

(a) In the event where the potential contravention may constitute a criminal offence by virtue of the provisions of this Law or the existing legislation, it shall draw up a report and shall submit same, together with all the information in its possession to the Attorney - General of the Republic; and

(b) In the event where the Authority ascertains a potential commission of a disciplinary offence, it shall draw up a report, with all the relevant information in its possession and shall refer the case to the competent authority or service, as the case may be, to conduct a disciplinary investigation, irrespective of any criminal liability.

Incompatibility.

15.-(1) A member of the Authority may not participate, directly or indirectly, for his own benefit or for the benefit of a third person, in any act or transaction or have any professional or personal interest concerning a subject matter that falls within the competences of the Authority and any contravention of the provisions of this section, irrespective of the criminal liability of the offender, shall imply his removal from the position of member of the Authority.

(2) Subject to the provisions of subsection (1), a member of the Authority may not participate in the exercise of the powers of the Authority and/or in the decision making in the event that the subject matter concerns a person connected with them.



Provided that, the contravention of the provisions of this subsection shall not imply the invalidity of the acts or decision of the Authority:

Provided further that, for the purposes of this subsection, "connected persons" in relation to a member of the Authority means-

(a) the spouse and relatives by blood or by marriage or affinity up to the fourth (4<sup>th</sup>) degree of relatedness,

(b) a company, in which a member of the Authority holds or controls, directly or indirectly, at least ten percent (10%) of the voting rights in a general meeting,

(c) a company in which the spouse or relative by blood up to the fourth (4<sup>th</sup>) degree of relatedness is a director or possesses or controls directly or indirectly fifty-one percent (51%) of the total number of shares.

Obligations and  
rights of the  
members of the  
Authority

**16.-(1)** A member of the Authority, a person who served as a member of the Authority, a person who exercises or has exercised any activity in the Authority which is relevant to its competences, as well as any other person who obtains knowledge of information, personal data, documents or other information, by reason of his post, within the scope of the exercise of his duties and/or by reason of his employment at the Authority, shall have a professional duty of confidentiality and contravention of such obligations shall constitute a criminal offence, which shall be punishable as provided for by the provisions of section 18.

(2) The members of the Authority, upon taking office, shall give their written consent for the lifting of the bank confidentiality and of their telecommunication data:

92(l) of 1996  
216(l) of 2015  
13(l) of 2020.

Provided that, subject to the provisions of the Protection of the Confidentiality of Private Communications (Surveillance of Telecommunications) Law, the content of the consent provided for in this subsection shall be secured and utilized, without a court order, only in the

case where a criminal investigation is being performed against a member of the Authority for offences connected with corruption.

Obligation for confidentiality and conflict of interest.

17.-(1) Every member of the Authority, within the scope of the exercise of his competences, and every inspection officer within the scope of the exercise of his duties, and any other person to whom the conducting of an investigation for specified acts shall be assigned, in accordance with paragraph (f) of subsection (1) of section 8, shall have an obligation of confidentiality as regards to information, personal data, documents or other information which shall come to his knowledge, and such obligation shall be undertaken in writing and shall be binding on such person for the whole duration of his term of office and/or service, as well as for a period of five (5) years from the date of termination of his term of office or from his retirement from his position.

(2) Every member of the Authority and every inspection officer shall have an obligation, before the commencement of the investigation and assessment of any complaint or the collection of any personal data, within the scope of his powers or competences and/or at any stage during the examination, assessment and collection of the same, to declare in writing the existence of any direct or indirect interest he may have or any conflict of interest, and in the event of failure to submit such a declaration, he shall be guilty of an offence and in case of his conviction, he shall be liable to the penalties provided for in subsections (3) and (4), respectively.

(3) A member of the Authority, who contravenes the duty of confidentiality provided for in subsection (1), shall be guilty of a criminal offence and, in case of his conviction, shall be liable to imprisonment not exceeding seven (7) years or to a fine not exceeding three hundred and fifty thousand euro (€350,000) and/or to both such penalties.

(4) An inspection officer who contravenes the duty of confidentiality provided for in subsection (1) shall be guilty of a criminal offence and, in case of his conviction he shall be liable to imprisonment not exceeding two

(2) years or to a fine not exceeding thirty thousand euro (€30,000) and/or to both such penalties.

(5) A conviction for a criminal offence involving a breach of a duty provided for in this Law or the commission of a disciplinary offence involving the breach of a duty provided for in this Law by a member of the Authority or an inspection officer, respectively, shall result in the immediate removal of each of them and, in such case, the person so affected shall surrender to the Authority all documents in his possession and/or the material which he has collected up until the given time.

Publication of  
Information.

**18.-(1)** Subject to the provisions of the GDPR and the Protection of Natural Persons Against the Processing of Personal Data and on the Free Movement of such Data Law, the publication of any information, document, statement or personal data received and/or of any practice or methodology followed or applied by the Authority within the scope of its mission, shall be prohibited without securing the approval of the Commissioner for Transparency.

(2) A person who contravenes the provisions of subsection (1) shall be guilty of an offence and, in case of his conviction, shall be liable to imprisonment not exceeding two (2) years or to a fine not exceeding thirty thousand euro (€30,000) and/or to both such penalties.

Criminal  
investigation  
against an Authority  
member.

**19.** Notwithstanding the provisions of section 17, in case where a complaint or report is submitted or an allegation is made based on which a member of the Authority or a person who does not fall within the scope of application of the provisions of this Law appears to have committed a criminal offence of corruption and/or to cover up or assist any other person in committing an offence or to condone the commission of an offence or to violate the mission and/or the duties or obligations resulting from the provisions of this Law, the power of the Attorney - General of the Republic to appoint an independent criminal investigator to conduct a relevant investigation shall not be affected in any way.

Summary reports  
by the Authority to  
competent  
authorities.

**20.-(1)** The Authority shall draw up and submit, quarterly, to the competent authorities included in the National Action Plan against Corruption in force from time to time, to all the ministries and to every service connected with matters of prevention and combating of acts of corruption, summary reports with its comments and/or recommendations on matters which concern the coordination of actions, the undertaking of initiatives, the implementation of audit measures, the creation of staff planning, the setting of priorities, the formation and enhancement of the legislative framework in force and any other matter, relevant to the better coordination of matters, as well as the effective prevention and combating of acts of corruption.

(2) The Authority, after submitting the report provided for in subsection (1), may consult in any appropriate manner for the implementation of its recommendations and for the prevention and combating of acts of corruption:

Provided that, in the event where a competent authority shall not provide information within the period specified as to its actions relating to the implementation of the proposals, suggestions or recommendations of the Authority or shall not accept their implementation and, provided the Authority shall consider that the proposed reasoning on behalf of the competent authority for not accepting them is not sufficiently justified, it shall submit the result of its consultations to the competent minister

(3) The competent minister, after requesting the necessary clarifications, shall submit, within a reasonable period of time, a report to the Council of Ministers with his comments, for information purposes and for any instructions.

(4) The Commissioner for Transparency shall submit, quarterly, to the Council of Ministers and to the House of Representatives a memorandum, with a summary reference to the reports submitted to each competent authority, to its comments and/or recommendations and shall attach

thereto the text of every report or circular which, in his opinion, concerns a serious case of corruption.

Annual report  
of the Authority.

**21.-(1)** The Commissioner for Transparency shall submit to the President of the Republic an annual report on its work during the immediately preceding calendar year, the latest by the 31<sup>st</sup> January of each year, within the scope of the exercise of its mission and competences provided for in this Law, which shall include its comments and recommendations on the assessment of the risks from events of corruption.

(2) 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.

(3) 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 section 20.

Refusal to  
cooperate and  
provision of false  
information.

**22.** Any person who-

(a) intentionally provides the Authority with false or misleading information or personal data or conceals or provides such information, data or evidence, knowing that such are false or inaccurate or for which he has reasonable ground to believe that they are not accurate, shall be guilty of an offence and shall be liable on conviction to imprisonment not exceeding three (3) years or to a fine not exceeding fifty thousand euro (€50,000) and/or to both such penalties.

(b) subject to the provisions of subsection (3) of section 12, without reasonable cause refuses or fails to appear before the Authority in

order to give evidence or comply with a request of the Authority or to grant to the Authority copies or access to information, personal data, documents, books, electronic database and archive records of any department, directorate, authority or service of the public sector, the wider public sector or the private sector for a matter regarding acts of corruption or in any other way obstructs or impedes the conducting of the research work of the Authority shall be guilty of an offence and shall be liable on conviction to imprisonment not exceeding one (1) year or to a fine not exceeding ten thousand euro (€10,000) and/or to both such penalties.

Processing of personal data.

**23.-(1)** Any processing of personal data performed pursuant to the provisions of this Law, including the exchange or disclosure or any other form of disposal of personal data by the Authority, shall be performed in accordance with the provisions of the GDPR and the Protection of Natural Persons Against the Processing of Personal Data and on the Free Movement of such Data Law.

(2) Personal data, which evidently do not relate to the investigation and assessment of a specific complaint shall not be collected or, if collected inadvertently, shall be deleted without undue delay.

Independence of the Authority.

**24.** Subject to the provisions of section 7, 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 any body or authority which operates under any Law or from any other person.

No personal liability of the members of the Authority and the staff of the Authority.

**25.-(1)** The staff of the Authority, the inspection officer and any person who acts on the instructions of the Authority shall have no personal liability for his acts or omissions during the exercise of his competences.

(2) The expression of an opinion by a person during the exercise of the duties provided for in subsection (1) shall constitute a special defense in

Cap.148.

87 of 1973  
54 of 1978  
156 of 1985  
41 of 1989  
73(I) of 1992  
101(I) of 1996  
49(I) of 1997  
29(I) of 2000  
154(I) of 2002  
129(I) of 2006  
171(I) of 2006  
82(I) of 2008  
66(I) of 2012.

an action for defamation brought against him pursuant to the provisions of the Civil Offences Law:

Provided that, criminal prosecution against a member of the Authority and/or a member of the staff of the Authority for a criminal offence committed in contravention of the provisions of this Law, shall be exercised solely by the Attorney - General of the Republic. or with his consent.

General offence.

**26.** Saving any special provisions in this Law on criminal liability of a person, any person who contravenes any of the provisions of this Law, shall be guilty of an offence and shall be liable on conviction to imprisonment not exceeding two (2) years or to a fine not exceeding ten thousand euro (€10,000) and/or to both such penalties.

Budget of the Authority.

**27.** The expenses of the Authority, including the salary of the members and its staff, shall be included in the public budget of the Republic, under the Chapter "Budget for the Independent Authority against Corruption".

Regulations.

**28.-(1)** The Council of Ministers may make Regulations to be published in the Official Gazette of the Republic for the better carrying into effect of the provisions of this Law, as well as for determining or regulating any matter, which is required or permitted to be determined.

(2) Without prejudice to the provisions of subsection (1), the Regulations made pursuant to this section, may regulate-

(a) the procedure for collection, processing and assessment of personal data for the purposes of this Law,

(b) the procedure for submission and assessment of a complaint regarding any contravention of the provisions of this Law, including the reasons for the submission of a request by the Authority which constitutes the collection of such personal data necessary,

(c) the manner in which the work of the Authority shall be performed, including the procedure followed during the meetings held within the scope of such work, as well as the manner in which the minutes are kept, and

(d) the procedure for selection and preparation of the list of candidates for appointment to the position of inspection officer and staff of the Authority.

(3) The Regulations made pursuant to the provisions of subsection (2) provide that, in case of contravention of their provisions, the penalties provided for in section 26 shall be imposed.

(4) The Regulations made pursuant to the provisions of this section shall be submitted to the House of Representatives and in case the House of Representatives by its decision shall not amend or nullify them, in whole or in part, within sixty (60) days from their submission, immediately after the expiration of the above mentioned period they shall be published in the Official Gazette of the Republic and shall come into force from the date of their publication.

Transitional provisions.

29. Until the staff of the Authority is appointed and for the purpose of its staffing, public or other government officers may be seconded to it pursuant to the provisions of the Public Service Law or any other Law.

1 TOU 1990  
71 TOU 1991  
211 TOU 1991  
27(I) TOU 1994  
83(I) TOU 1995  
60(I) TOU 1996  
109(I) TOU 1996  
69(I) TOU 2000  
156(I) TOU 2000  
4(I) TOU 2001  
94(I) TOU 2003  
128(I) TOU 2003  
183(I) TOU 2003  
31(I) TOU 2004  
218(I) TOU 2004



68(I) TOU 2005  
79(I) TOU 2005  
105(I) TOU 2005  
96(I) TOU 2006  
107(I) TOU 2008  
137(I) TOU 2009  
194(I) TOU 2011  
78(I) TOU 2013  
7(I) TOU 2014  
21(I) TOU 2014  
100(I) TOU 2015  
148(I) TOU 2017  
151(I) TOU 2017  
152(I) TOU 2017  
98(I) TOU 2020  
136(I) TOU 2020  
1(I) TOU 2022.

Savings.

**30.-(1)** The exercise of any legal remedy or hierarchical recourse, the conduct of an investigation by the investigating committee or any other procedure shall not be affected in any manner by the provisions of this Law.

(2) Any actions by the Authority, in accordance with the provisions of this Law, shall not suspend any procedure or investigation which is connected or conducted and/or any deadline provided for the exercise of a legal remedy or hierarchical recourse.