

Ο περί του Προσθέτου Πρωτοκόλλου στη Σύμβαση του Συμβουλίου της Ευρώπης για την Ποινικοποίηση της Διαφθοράς (Κυρωτικός) Νόμος του 2006 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 22(ΙΙΙ) του 2006

ΝΟΜΟΣ ΠΟΥ ΚΥΡΩΝΕΙ ΤΟ ΠΡΟΣΘΕΤΟ ΠΡΩΤΟΚΟΛΛΟ  
ΣΤΗΝ ΕΥΡΩΠΑΪΚΗ ΣΥΜΒΑΣΗ ΓΙΑ ΤΗΝ ΠΟΙΝΙΚΟΠΟΙΗΣΗ ΤΗΣ ΔΙΑΦΘΟΡΑΣ

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

1. Ο παρών Νόμος θα αναφέρεται ως ο περί του Προσθέτου Πρωτοκόλλου στη Σύμβαση του Συμβουλίου της Ευρώπης για την Ποινικοποίηση της Διαφθοράς (Κυρωτικός) Νόμος του 2006. Συνοπτικός τίτλος.

2. Στον παρόντα Νόμο, εκτός αν από το κείμενο προκύπτει διαφορετική έννοια— Ερμηνεία.

«Κυρωτικός της Σύμβασης Νόμος» σημαίνει τον περί της Σύμβασης του Συμβουλίου της Ευρώπης για την Ποινικοποίηση της Διαφθοράς (Κυρωτικό) Νόμο του 2000. 23(ΙΙΙ) του 2000.

«Πρόσθετο Πρωτόκολλο» σημαίνει το Πρόσθετο Πρωτόκολλο στη Σύμβαση του Συμβουλίου της Ευρώπης για την Ποινικοποίηση της Διαφθοράς, το οποίο έγινε στις 15 Μαΐου 2003 και του οποίου το κείμενο στο αγγλικό πρωτότυπο εκτίθεται στο Μέρος Ι του Πίνακα και η ελληνική μετάφραση στο Μέρος ΙΙ του Πίνακα. Πίνακας. Μέρος Ι, Μέρος ΙΙ.

3. Το Πρόσθετο Πρωτόκολλο του οποίου η υπογραφή από την Κυπριακή Δημοκρατία αποφασίστηκε με Απόφαση του Υπουργικού Συμβουλίου με Αριθμό 57.874 και ημερομηνία 14.5.2003 κυρώνεται με τον παρόντα Νόμο. Κύρωση.

Νοείται ότι σε περίπτωση αντίθεσης μεταξύ του αγγλικού πρωτότυπου που εκτίθεται στο Μέρος Ι του Πίνακα και της ελληνικής μετάφρασης που εκτίθεται στο Μέρος ΙΙ του Πίνακα, υπερισχύει το κείμενο του πρωτότυπου στα αγγλικά.

4. Τα άρθρα 4 έως 9 του Κυρωτικού της Σύμβασης Νόμου, εφαρμόζονται και σε σχέση με τον παρόντα Νόμο. Εφαρμογή των άρθρων 4 έως 9 του Κυρωτικού της Σύμβασης Νόμου.

5. Χωρίς επηρεασμό της γενικότητας του άρθρου 4 του παρόντος Νόμου, τα πιο κάτω άρθρα του Προσθέτου Πρωτοκόλλου θεωρούνται ότι εμπίπτουν στις πρόνοιες του άρθρου 4 του Κυρωτικού της Σύμβασης Νόμου, ως εάν να αναφέροντο ρητά σε αυτό: Προσθήκη στο άρθρο 4 του Κυρωτικού της Σύμβασης Νόμου.

- 2 Ενεργός δωροδοκία οικείων διαιτητών.
- 3 Δωροληψία από οικείους διαιτητές.
- 4 Δωροδοκία αλλοδαπών διαιτητών.
- 5 Δωροδοκία οικείων ενόρκων.
- 6 Δωροδοκία αλλοδαπών ενόρκων.

**ΠΙΝΑΚΑΣ**

(άρθρα 2. και 3)

**ΜΕΡΟΣ Ι****ADDITIONAL PROTOCOL  
TO THE CRIMINAL LAW CONVENTION  
ON CORRUPTION**

The member States of the Council of Europe and the other States signatory hereto,

Considering that it is desirable to supplement the Criminal Law Convention on Corruption (ETS No. 173, hereafter "the Convention") in order to prevent and fight against corruption;

Considering also that the present Protocol will allow the broader implementation of the 1996 Programme of Action against Corruption,

Have agreed as follows:

**Chapter I – Use of terms****Article 1 – Use of terms**

For the purpose of this Protocol:

- 1 The term "arbitrator" shall be understood by reference to the national law of the States Parties to this Protocol, but shall in any case include a person who by virtue of an arbitration agreement is called upon to render a legally binding decision in a dispute submitted to him/her by the parties to the agreement.
- 2 The term "arbitration agreement" means an agreement recognised by the national law whereby the parties agree to submit a dispute for a decision by an arbitrator.
- 3 The term "juror" shall be understood by reference to the national law of the States Parties to this Protocol but shall in any case include a lay person acting as a member of a collegial body which has the responsibility of deciding on the guilt of an accused person in the framework of a trial.
- 4 In the case of proceedings involving a foreign arbitrator or juror, the prosecuting State may apply the definition of arbitrator or juror only in so far as that definition is compatible with its national law.

## Chapter II – Measures to be taken at national level

### **Article 2 – Active bribery of domestic arbitrators**

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the promising, offering or giving by any person, directly or indirectly, of any undue advantage to an arbitrator exercising his/her functions under the national law on arbitration of the Party, for himself or herself or for anyone else, for him or for her to act or refrain from acting in the exercise of his or her functions.

### **Article 3 – Passive bribery of domestic arbitrators**

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law, when committed intentionally, the request or receipt by an arbitrator exercising his/her functions under the national law on arbitration of the Party, directly or indirectly, of any undue advantage for himself or herself or for anyone else, or the acceptance of an offer or promise of such an advantage, to act or refrain from acting in the exercise of his or her functions.

### **Article 4 – Bribery of foreign arbitrators**

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the conduct referred to in Articles 2 and 3, when involving an arbitrator exercising his/her functions under the national law on arbitration of any other State.

### **Article 5 – Bribery of domestic jurors**

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the conduct referred to in Articles 2 and 3, when involving any person acting as a juror within its judicial system.

### **Article 6 – Bribery of foreign jurors**

Each Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences under its domestic law the conduct referred to in Articles 2 and 3, when involving any person acting as a juror within the judicial system of any other State.

## **Chapter III – Monitoring of implementation and final provisions**

### **Article 7 – Monitoring of implementation**

The Group of States against Corruption (GRECO) shall monitor the implementation of this Protocol by the Parties.

### **Article 8 – Relationship to the Convention**

- 1 As between the States Parties the provisions of Articles 2 to 6 of this Protocol shall be regarded as additional articles to the Convention.
- 2 The provisions of the Convention shall apply to the extent that they are compatible with the provisions of this Protocol.

### **Article 9 – Declarations and reservations**

- 1 If a Party has made a declaration in accordance with Article 36 of the Convention, it may make a similar declaration relating to Articles 4 and 6 of this Protocol at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession.
- 2 If a Party has made a reservation in accordance with Article 37, paragraph 1, of the Convention restricting the application of the passive bribery offences defined in Article 5 of the Convention, it may make a similar reservation concerning Articles 4 and 6 of this Protocol at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession. Any other reservation made by a Party, in accordance with Article 37 of the Convention shall be applicable also to this Protocol, unless that Party otherwise declares at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession.

- 3 No other reservation may be made.

#### **Article 10 – Signature and entry into force**

- 1 This Protocol shall be open for signature by States which have signed the Convention. These States may express their consent to be bound by:
  - a signature without reservation as to ratification, acceptance or approval;  
or
  - b signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval.
- 2 Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.
- 3 This Protocol shall enter into force on the first day of the month following the expiry of a period of three months after the date on which five States have expressed their consent to be bound by the Protocol in accordance with the provisions of paragraphs 1 and 2, and only after the Convention itself has entered into force.
- 4 In respect of any signatory State which subsequently expresses its consent to be bound by it, the Protocol shall enter into force on the first day of the month following the expiry of a period of three months after the date of the expression of its consent to be bound by the Protocol in accordance with the provisions of paragraphs 1 and 2.
- 5 A signatory State may not ratify, accept or approve this Protocol without having, simultaneously or previously, expressed its consent to be bound by the Convention.

#### **Article 11 – Accession to the Protocol**

- 1 Any State or the European Community having acceded to the Convention may accede to this Protocol after it has entered into force.
- 2 In respect of any State or the European Community acceding to the Protocol, it shall enter into force on the first day of the month following the expiry of a period of three months after the date of the deposit of an