

Code of Conduct for the Members of the Assembly of the Republic

Resolution of the Assembly of the Republic no. 210/2019 of 20 September 2019

Under the terms of Article 166(5) of the Constitution, the Assembly of the Republic hereby resolves as follows:

1 – To approve the Code of Conduct for Members of the Assembly of the Republic set out in the Annexe to this Resolution, which is an integral part thereof.

2 – To determine that the Code of Conduct for Members of the Assembly of the Republic shall enter into force on the first day of the 14th legislature, without prejudice to any procedural adaptations to be made by the services.

Passed on 19 July 2019.

The President of the Assembly of the Republic, Eduardo Ferro Rodrigues.

ANNEXE

Code of Conduct for the Members of the Assembly of the Republic

Article 1

Subject matter and scope

This Code of Conduct sets out the guiding principles and criteria for the exercise of the mandate of Members of the Assembly of the Republic.

Article 2

General principles

In exercising their mandate, Members of the Assembly of the Republic shall comply with the general principles of conduct of freedom, independence, the pursuit of the public interest, transparency and political accountability.

Article 3

Primacy of the pursuit of the public interest

Members of the Assembly of the Republic shall pursue the public interest and that of the citizens they represent, and shall not benefit from any financial or asset-related advantages, whether direct or indirect, for themselves or third parties, or any other unduly received reward by virtue of their office.

Article 4

Freedom and independence in the exercise of the mandate

Members of the Assembly of the Republic shall act freely under the Constitution and the law, in compliance with their electoral commitments, acting in accordance with their conscience and independently of any natural or legal person.

Article 5

Institutional loyalty and civility

Members of the Assembly of the Republic shall exercise their functions with respect for the other Members and the officeholders of the other organs that exercise sovereign power, the citizens they represent and other public and private bodies with which they are in contact in the exercise of their mandate.

Article 6

Diligence

Throughout their term of office, Members of the Assembly of the Republic shall undertake to acquire the information and knowledge needed for the functions they exercise, contributing to the smooth functioning of the parliamentary institutions and the credibility of democratic institutions.

Article 7

Political accountability

Members of the Assembly of the Republic shall report on their acts, decisions and other relevant elements in the exercise of their mandate. They shall be guaranteed adequate conditions and the necessary financial, physical, material and human resources for the effective exercise of their functions, in particular the indispensable contact with registered electors, who shall be informed regularly.

Article 8

Transparency

Members of the Assembly of the Republic shall comply with their reporting obligations as laid down by law, stating any of their private interests that may affect the pursuit of the public interest, and shall take the necessary steps to resolve any conflicts between them in order to protect the public interest.

Article 9

Duties of Members of the Assembly of the Republic

Without prejudice to the duties laid down in the Constitution and the Statute of Members, Members of the Assembly of the Republic have the following duties in the exercise of their mandate:

- a) To take part in parliamentary work, and particularly to attend plenary sittings and meetings of the parliamentary committees and bodies to which they belong;
- b) To comply with the reporting obligations to which they are subject, in particular regarding any incompatibilities and disqualifications, assets and the verification of possible conflicts of interest, within the time limit prescribed by law;
- c) To reject gifts, hospitality or any other advantage as a reward for an action, omission, vote or influence over any decision;
- d) To use the resources made available within their mandate in a responsible manner and in compliance with the applicable rules, particularly by refraining from using or allowing third parties to use the facilities or means made available by the Assembly of the Republic to promote private interests;
- e) To keep secrecy on any reserved information of which they become aware while exercising their functions;
- f) To intervene in parliamentary work with institutional loyalty and civility, particularly by refraining from any conduct which may discredit the parliamentary institution;
- g) To declare the existence of any private interest, as laid down in the Statute of Members.

Article 10

Gifts

1 – Members of the Assembly of the Republic shall refrain from accepting gifts from natural or legal persons, public and private, whether national or foreign, of any type of goods or services that may affect independence in the exercise of their mandate.

2 – For the purposes of the preceding paragraph, it is understood that the independent exercise of their mandate may be affected where Members accept goods or services with an estimated value of at least EUR 150.

3 – Members may accept the following gifts on behalf of the Assembly of the Republic:

- a) The gifts within the scope of paragraph (2) in respect of which there are reasonable doubts as to their estimated value;
- b) Gifts whose rejection may constitute or be interpreted as a lack of consideration or interinstitutional respect for those making the offer, in particular in the context of relations between the organs of states and parliaments.

4 – Gifts with an estimated value higher than EUR 150 received within the scope of the office or function shall be submitted to the Secretariat General of the Assembly of the Republic for registration and determination as to their destination, taking into account their nature and relevance.

5 – Where the officeholder receives, from the same body and in the course of the same year, a number of offers of goods making up the estimated value referred to in the previous paragraph, he shall notify that fact for the purposes of registering the offers and hand over all of the gifts which may be received after reaching the above-mentioned value.

6 – It is the responsibility of the Secretariat General to keep records of all the gifts received and of their destination.

7 – The Parliamentary Committee on Transparency and the Statute of Members shall establish guiding criteria for determining the final destination of the gifts referred to in the preceding paragraph. These criteria shall consider their actual value, their perishable nature, or whether they are merely symbolic.

8 – Gifts which cannot be accepted by the Members of the Assembly of the Republic must be handed over:

- a) To the Secretariat General of the Assembly of the Republic, for registration of public access and subsequent inventory by the Museum, the Parliamentary Historical Archives or the Library of the Assembly of the Republic, where this is warranted by its heritage or cultural significance, or its significance for the history of parliamentary activity;
- b) To other public bodies or not-for-profit institutions with social, educational and cultural purposes in the remaining cases.

Article 11 **Hospitality**

1 – When invited individually as such, Members of the Assembly of the Republic may accept hospitality invitations in accordance with the provisions of the Regime governing the Exercise of Functions by Political Officeholders and Senior Public Officeholders.

2 – In case of doubts as to whether an offer of hospitality is within the scope of the regime referred to in the previous paragraph, the Member of the Assembly of the Republic may request an opinion from the Parliamentary Committee on Transparency and the Statute of Members.

3 – Offers of hospitality which the Member of the Assembly of the Republic accepts in an individual capacity, as well as the benefits inherent therein, shall be entered into the Member's register of interests, as well as any travel on behalf of the Assembly of the Republic or in official representation of the respective Parliamentary Group.

4 – Without prejudice to the rules governing reporting obligations on income and assets, the acceptance of gifts, transportation or accommodation taking place in the context of personal or family relations shall not be subject to a registration requirement.

5 – The provisions of this Code of Conduct shall not apply to invitations and hospitality addressed to political parties, including their parliamentary groups, via their bodies, delegations or representations, without prejudice to the rules stemming from the legal regime governing the financing of political parties and election campaigns.

Article 12

Implementation of the Code

The Parliamentary Committee on Transparency and the Statute of Members shall ensure the implementation of this Code of Conduct and exercise the powers provided for therein, in particular:

- a)* To carry out inquiries of its own motion, at the request of the Member concerned or upon a decision of the President of the Assembly of the Republic;
- b)* To issue general statements or recommendations, as provided for in the Statute of Members;
- c)* To prepare an annual report on the implementation of the Code and the Committee's activity in this field.