



**Parliament of Montenegro
Parliamentary Institute
Research Centre**

**Research paper:
Code of conduct for MPs**

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Foreword

“Democracy is built on trust, which voters place in their elected representatives who represent their interests and concerns in various democratic institutions. That trust must be earned by politicians on daily basis as they perform their legislative and control roles. Where trust is found to be lacking, the inherent divide between voters and their representatives can become a dangerous liability”¹. In many countries, the conduct of parliamentarians is regulated by national constitution, laws regulating conflict of interest, fight against corruption, asset declarations, criminal matters etc., as well as by rules of procedures and other legal acts. However, the introduction of special acts governing principles of ethical behavior, i.e. codes of conduct is “a rapidly evolving trend” in many countries.²

Code of conduct represents a set of detailed ethical principles providing for a clear framework enabling MPs to perform their duties. In addition, the code helps strengthen the political credibility and increases the chances of re-election of MPs.³ According to Staphenurst and Pelizzo, a code of conduct is a formal document which regulates the behavior of legislators by a series of guidelines on what is considered to be an acceptable behavior and what is not. In other words, it is intended to promote a political culture which places considerable emphasis on the propriety, correctness, transparency, honesty of parliamentarians’ behavior.⁴

The process of drafting of the code of conduct involves the following principles: clarity, simplicity, specificity, structurality, consistency, coherence and relevance. For the purpose of drafting the code, a special ad hoc committee may be formed within the parliament (case in the European Parliament) The current parliamentary committee may be in charge of drafting the code of conduct (Committee on Standards and Privileges of the United Kingdom House of Commons). In addition, a working group or subcommittee of the parliamentary management body (Bureau de l’Assemblée nationale, subcommittee of the Council of Elders of the Bundestag) may be charged with drafting the Code.

The 2013 Action Plan for Strengthening of the Legislative and Oversight Role of the Parliament of Montenegro envisages adopting Code of Ethics for MPs of the Parliament of Montenegro in order to promote democratic standards as well as the position and significance of the Parliament, as a key democratic institution. With this specific purpose, the Research Centre prepared this research

¹ Parliamentary ethics-A question of trust, Office for promotion of parliamentary democracy, http://www.europarl.europa.eu/pdf/oppd/Page_8/codes_of_conduct_FINAL-ENforweb.pdf

² OSCE/ODIHR, Background Study: Professional and Ethical Standards for Parliamentarians, Warsaw 2012 <http://www.osce.org/odihr/98924?download=true>

³ European Centre for Parliamentary Research and Documentation (ECPRD), Parliamentary Codes of Conduct in Europe: An Overview, 2001

⁴ Rick Staphenurst and Riccardo Pelizzo, Legislative Ethics and Codes of Conduct, World Bank Institute, 2004 http://siteresources.worldbank.org/EXTPARLIAMENTARIANS/Resources/Legislative_Ethics_and_Codes_of_Conduct.pdf

paper by analysing legal documents of certain countries containing principles of ethical conduct for MPs.

Therefore, this research paper includes countries in which the issue of ethical conduct of MPs is regulated by parliamentary codes of conduct and rules of procedure.

The paper is divided into two parts: tabular and narrative. Tabular overview contains the main research findings presented within five categories: legal basis, ethical principles, declaring MPs' financial interests, body in charge of overseeing the observance of ethical rules and sanctioning of non-compliance with code of conduct rules.

The second part of the research includes code of conduct of the European Parliament and codes of conduct of the following countries: France – *Assemblée nationale*, Kosovo - *Kuvendi i Kosovës*, Latvia - *Saema*, Malta - *Kamra tad - Deputati*, Germany - *Bundestag*, Parliamentary Assembly of Bosnia and Herzegovina, Poland - *Sejm* and *Senate*, Scotland - *Scottish Parliament* and United Kingdom- *House of Commons*. In addition, there is an overview of the data related to ethical principles governed by rules of procedure of parliaments of the following countries: Austria - *Österreichisches Parlament*, Czech Republic - *Poslanecká sněmovna*, Denmark- *Folketinget*, Estonia - *Riigikogu*, Finland - *Eduskunta*, Italy - *Camera dei Deputati*, Lithuania - *Seimas*, Slovak Republic- *Národná rada* and Sweden - *Riksdag*.

The complete document in Montenegrin language can be found at: http://www.skupstina.me/images/dokumenti/biblioteka-i-istrazivanje/eti%C4%8Dki_kodeks_poslanika.pdf