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## **LAW No. 334 of July 17<sup>th</sup>, 2006 \*\*\*Republished, on the financing of the activity of political parties and election campaigns**

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- Government Emergency Ordinance no. 1/2007 on certain measures for the organization and performance of elections for the European Parliament, published in the Official Gazette of Romania, Part I, no. 97 of February 8<sup>th</sup>, 2007, with the subsequent amendments, repealed through Law no. 251/2009, published in the Official Gazette of Romania, Part I, no. 462 of July 3<sup>rd</sup>, 2009;

- Government Emergency Ordinance no. 8/2007 for the amendment of art. IV of Government Emergency Ordinance no. 1/2007 on certain measures for the organization and performance of elections for the European Parliament and art. 9<sup>^</sup>2 paragraph (1) of Law no. 33/2007 on the organization and performance of elections for the European Parliament, published in the Official Gazette of Romania, Part I, no. 134 of February 23<sup>rd</sup>, 2007, repealed through Law no. 290/2009, published in the Official Gazette of Romania, Part I, no. 653 of October 2<sup>nd</sup>, 2009;

- Government Emergency Ordinance no. 32/2008 for the amendment of Law no. 67/2004 on the election of authorities of the local public administration and the amendment and completion of Law no. 334/2006 on certain measures for the organization and performance of elections for the European Parliament, published in the Official Gazette of Romania, Part I, no. 217 of March 21<sup>st</sup>, 2008, approved through Law no. 4/2009, published in the Official Gazette of Romania, Part I, no. 104 of February 20<sup>th</sup>, 2009;

- Government Emergency Ordinance no. 66/2008 for the amendment and completion of the Law for the local public administration no. 215/2001 and Law no. 334/2006 on the financing of the activity of political parties and election campaigns, as well as for the amendment of Law no. 35/2008 for the election of the Chamber of Deputies and the Senate and for the amendment and completion of Law no. 67/2004 on the election of authorities of the local public administration, of the Law for the local public administration no. 215/2001 and Law no. 393/2004 on the Status of local officials, published in the Official Gazette of Romania,

Part I, no. 409 of May 30<sup>th</sup>, 2008, approved with amendments through Law no. 50/2009 published in the Official Gazette of Romania, Part I, no. 190 of March 26<sup>th</sup>, 2009.

## **CHAPTER I**

### **General provisions**

#### ART. 1

(1) This law aims to ensure equal chances in the political competition and transparency on the financing of the activity of political parties and election campaigns.

(2) Public or private financing cannot aim to limit the independence of political parties.

(3) The activity of political parties is financed only under the law.

#### ART. 2

Political parties may own, under the law, movables and immovables which are necessary to carry out their specific activity.

#### ART. 3

(1) The financing sources of a political party are:

- a) contributions of party members;
- b) donations, legacies and other liberalities;
- c) incomes from its own activities, according to art. 12;
- d) subsidies from the state budget.

(2) Political parties cannot have and use financing sources other than as stipulated at paragraph (1).

(3) Political parties must organize their own accounting system, according to the applying accounting regulations.

(4) The operations related to the amounts received and paid by political parties are performed through bank accounts, in RON and foreign currency, opened with banks based in Romania, under the law.

(5) Incomes from the activities specified at paragraph (1) letter c) are exempt from taxes and fees.

## **CHAPTER II**

### **Private financing**

#### SECTION 1

##### Contributions

#### ART. 4

(1) The amount of contributions, the distribution and use thereof are set through decisions of the political party, according to its own statute.

(2) The total incomes from contributions are not subject to any limits.

(3) The amount of contributions paid during one year by a party member cannot exceed 48 basic national minimum gross wages. The basic national minimum gross wage used as reference is the one valid on January 1<sup>st</sup> of that year.

(4) Political parties must publish in the Official Gazette of Romania, Part I, the total amount of incomes obtained from contributions by March 31<sup>st</sup> of the next year, as well as the list with the party members who paid during one year contributions that exceed the amount of 10 minimum gross wages.

(5) The list specified at paragraph (4) must contain the following elements: the name and first name of the party member, his/her citizenship, the personal code number, the amount and date when the contribution was paid.

## SECTION 2

### Donations

#### ART.5

(1) Donations received by a political party during one fiscal year cannot exceed 0.025% of the incomes established in the state budget for the said year.

(2) During the fiscal year when there are general, local, parliamentary elections, elections for the European Parliament or the election of Romania's President, the limit shall be 0.050% of the incomes established in the state budget for that year.

(3) Donations received from a natural person during one year may be up to 200 basic national minimum gross wages at the value existing on January 1<sup>st</sup> of that year.

(4) During the fiscal year when there are several elections, donations received from a natural person can be up to 400 basic national minimum wages at the value valid on January 1<sup>st</sup> of that year, for each election or referendum campaign, in compliance with the provisions of paragraph (2).

(5) Donations received from a legal entity during one year can be of up to 500 basic national minimum gross wages at the value existing on January 1<sup>st</sup> of that year.

(6) On the fiscal year when several elections take place, donations received from a legal entity during one year can be of up to 1,000 basic national minimum gross salaries at the value existing on January 1<sup>st</sup> of that year, for each election or referendum campaign, in compliance with the provisions of paragraph (2).

(7) The total amount of donations made by legal entities controlled directly or indirectly by another entity or by a group of natural persons or legal entities cannot exceed the limits stipulated at paragraphs (3) and (5).

(8) The precise value of movables and immovables donated to the party, as well as that of services provided free of charge is included in the amount of the donations, within the limits stipulated at paragraphs (1) – (5).

(9) Legal entities which, on the donation date, have outstanding debts exceeding 60 days to the state budget, social insurance budget or local budget, are forbidden to make donations to political parties, except for when they have to recover amounts larger than their own debt.

(10) Upon the donation, the political party must ask the donating legal entity to submit an affidavit on compliance with the condition stipulated at paragraph (9).

(11) Political parties are forbidden to accept under any form, directly or indirectly, donations of assets or amounts of money or the provision of services free of charge made for the clear purpose of obtaining an economic or political edge or in breach of the provisions of paragraph (10).

#### ART. 6

Price discounts exceeding 20% of the value of the goods or services offered to political parties and independent candidates shall be deemed donations and shall be registered separately in the accounting books of the party or independent candidate, according to the norms issued by the Ministry of Public Finance.

#### ART. 7

(1) When receiving the donation, it is compulsory to check and register the donor's identity, regardless of the public or confidential nature thereof.

(2) Upon the donor's written request, its identity remains confidential if the donation is within the limit of the annual amount of 10 basic national minimum gross wages.

(3) The total amount received by a political party as confidential donations cannot exceed the equal amount of 0.006% of the incomes established in the state budget for that year.

#### ART. 8

(1) All the donations shall be accurately emphasized in the accounting documents, with specification of the date when they were made and of other information which allows the identification of financing sources.

(2) Donations of goods and services provided free of charge shall be reflected in the accounting books at their accurate value set under the law.

(3) Activities carried out on a volunteering basis are not deemed donations under the law.

#### ART. 9

(1) Political parties have the obligation to publish in the Official Gazette of Romania, Part I, the list of natural persons and legal entities that, during one year, made donations whose aggregate amount exceeds 10 basic national minimum gross wages, as well as the total amount of confidential donations received, by March 31<sup>st</sup> the next year.

(2) The list stipulated at paragraph (1) must contain the following elements:

a) for natural persons: the donor's name and first name, the personal code number, the citizenship, the amount, the nature of the donation and the date when it was made.

b) for legal entities: the name, the headquarters, the nationality, the sole registration code, the amount, the nature of the donation and the date when it was made.

#### ART. 10.

(1) It is forbidden to use financial, human and technical resources belonging to public institutions, autonomous administrations, national companies, trading companies or banking companies where the state or administrative-territorial units are majority shareholders, in

order to support the activity of political parties or their election campaigns, other than as set by the election laws.

(2) Political parties may not accept donations or services provided free of charge from a public authority or institution, autonomous administration, national company, trading company or banking company with full or majority state capital.

(3) It is forbidden to accept donations from a trade union or religious cult, regardless of the nature thereof.

(4) The amounts received in breach of the provisions of paragraphs (2) and (3) are confiscated and become an income to the state budget.

(5) The provisions of paragraphs (1) – (4) apply accordingly to political alliances, electoral alliances, as well as independent candidates.

#### ART. 11

(1) It is forbidden to accept donations from other states or foreign organizations, as well as from foreign natural persons or legal entities.

(2) An exception to the provisions of paragraph (1) are donations consisting of assets necessary for the political activity, but which are not materials of electoral propaganda, received from international political organizations of which that political party is an affiliate or from political parties or political formations which have relations of political collaboration. Propaganda materials can also be received when used solely in the election campaign for the election of Romania's representatives at the European Parliament.

(3) The donations stipulated at paragraph (2) are published in the Official Gazette of Romania, Part I, by March 31<sup>st</sup> the next year.

(4) The donations stipulated at paragraph (2) are exempt from the payment of customs fees, except for transportation means.

(5) The amounts received in breach of the provisions of paragraph (1) are confiscated and become an income to the state budget.

### SECTION 3

#### Other sources of income

#### ART. 12

(1) Political parties cannot carry out activities specific to trading companies. The following activities from which the political parties can obtain incomes are an exception:

a) editing, making and distributing publications or other political and cultural propaganda materials of their own;

b) the organization of meetings and seminars on political, economic or social topics;

c) cultural, sports and entertainment activities;

d) internal services;

e) the rental of own premises for conferences or social-cultural activities and for the organization of parliamentary offices;

f) the estrangement of plots of land and buildings of their patrimony, but only at least 10 years as of their registration with the patrimony, except for political parties in progress of dissolution. The 10 years' term does not apply to inherited real estate;

- g) the estrangement of movables from the patrimony, unless they are trading acts.
- (2) Political parties can obtain incomes from banking interests.
- (3) Political parties must publish in the Official Gazette of Romania, Part I, the total amount of incomes from other sources, by March 31<sup>st</sup> of the next year.

#### ART. 13

(1) If a party is associated, under the law, with a nonpolitical formation, the financial contribution of the latter to that form of association cannot exceed during one fiscal year the amount of 500 basic national minimum gross wages at the value existing on January 1<sup>st</sup> of that year.

(2) The total financial contribution to forms of association with nonpolitical formations cannot exceed, during one year, an amount equal to 0.006% of the incomes established in the state budget for that year.

(3) Amounts received in breach of the provisions of paragraphs (1) and (2) are confiscated and become an income to the state budget.

(4) Political parties must publish in the Official Gazette of Romania, Part I, the total value of the amounts which make the object of paragraph (1), by March 31<sup>st</sup> of the next year.

### **CHAPTER III**

#### **Public financing**

##### Subsidies from the state budget

#### ART. 14

(1) Political parties receive a subsidy from the state budget on a yearly basis, under the law.

(2) The amount allocated on a yearly basis to political parties cannot exceed 0.04% from the incomes established in the state budget. For political parties promoting women on election lists on eligible seats, the amount allocated from the state budget shall be increased pro rata with the number of offices obtained by women candidates at the elections.

(3) The subsidy from the state budget is granted in compliance with the following criteria:

- a) number of votes received at parliamentary elections;
- b) number of votes received at local elections.

(4) In case of political or electoral alliances, the subsidy shall be divided, according to an agreement, between the alliance members or, in the absence of such agreement, depending on the number of offices obtained.

#### ART. 15

75% of the annual budget allocated to political parties shall be distributed to political parties, pro rata with the number of votes received at parliamentary elections, and the average of votes validly expressed for the Chamber of Deputies and the Senate, if they reached the election threshold.

ART. 16

25% of the annual budget granted to political parties shall be distributed to political parties pro rata with the number of votes validly expressed and received at the local elections for the election of county counselors and counselors for Bucharest, if they obtained at least 50 offices of county counselor and counselor for Bucharest.

ART. 17

Political groups and political or electoral alliances receive subsidies from the state budget on a yearly basis, under the law.

ART. 18

(1) The subsidy from the state budget is paid monthly to the account of every political party through the budget of the Permanent Electoral Authority and is reflected separately in the accounting books of political parties.

(2) A specialized department for the allocation of the subsidy from the state budget is set up within the Permanent Electoral Authority.

ART. 19

(1) The subsidy from the state budget can be temporarily suspended through decision of the Permanent Electoral Authority for breach of the provisions stipulated at art. 3 paragraph (3), art. 4 paragraph (4), art. 9, art. 11 paragraph (3), art. 12 paragraph (1), art. 13 paragraph (4), art. 39 and art. 40 paragraph (2) until compliance with the legal requirements is ensured.

(2) The Permanent Electoral Authority notifies in advance the political party on the noted irregularities and the term for the remedy thereof.

(3) The term granted to political parties to remedy any irregularities cannot exceed 15 days.

(4) The decision to temporarily suspend the monthly installments from the state budget can be contested within 15 days as of the communication, before the competent administrative court which has to make a decision within 15 days as of the notification. The court decision is final and binding.

(5) During the temporary suspension of the subsidy, it is kept by the Permanent Electoral Authority as mandate amounts until the final decision of the court and it does not make the object of a refund to the state budget at the end of the year.

(6) Within 10 days as of the written notification of the political party referring to the remedy of such irregularities, the Permanent Electoral Authority decides on cancelling the suspension of the monthly installments.

ART. 20

(1) Incomes obtained from subsidies from the state budget can have the following destinations:

- a) material costs for the maintenance and operation of headquarters;
- b) staff costs;
- c) costs with the media and propaganda;

- d) costs with the organization of political activities;
- e) costs with trips in the country and abroad;
- f) telecommunications costs;
- g) costs with delegations abroad;
- h) costs with contributions due to international political organizations where the political party is affiliated;
- i) investments in movables and immovables necessary for the activity of those parties;
- j) protocol;
- k) office supplies;
- l) costs for the election campaign.

(2) It is forbidden to use incomes obtained from subsidies from the state budget for any other destinations as specified at paragraph (1).

(3) The efficiency and opportunity of such costs are decided by the management of the political parties, according to their statute and legal provisions.

#### ART. 21

(1) The authorities of the central and local public administration ensure with priority, within 90 days at the most as of the request, premises for the local and central headquarters of political parties, as well as the corresponding land, upon their motivated request.

(2) Political parties can receive one headquarters per administrative-territorial unit at the most.

(3) When local authorities let premises meant as headquarters for political parties, they comply with the legal regime set for the lease of premises meant for dwelling purposes.

(4) Political parties that cease their activity following reorganization, self-dissolution or dissolution through final decisions of courts of law must hand over to the authorities of the local public authorities, within 30 days, the premises they held under a lease agreement concluded with them. Premises owned shall be transmitted under the law.

(5) Within 30 days, the Bucharest Court shall communicate to the Ministry of Administration and Internal Affairs and the Permanent Electoral Authority, the termination of activity of that political party.

(6) Within 15 days after receiving the communication, the Ministry of Administration and Internal Affairs shall send those decisions to the warden institution in all counties and Bucharest, in order to take over the premises rented by public authorities through a bailiff, unless handed over within the legal term.

#### ART. 22

All the costs for telecommunications, electric power and heat, gas, water, sewage etc. of a party shall be its exclusive liability and shall be paid at the fee corresponding to the premises meant for dwelling purposes.



## **CHAPTER IV**

### **Financing during election campaigns**

#### SECTION 1

##### Contributions for the election campaign

###### ART. 23

(1) Donations and legacies received after the beginning of election campaigns from natural persons or legal entities must be declared to the Permanent Electoral Authority by the financial representative, within 5 business days as of the reception thereof.

(2) Donations and legacies received after the beginning of election campaigns can be used for the election campaigns only after they have been declared at the Permanent Electoral Authority.

###### ART. 24

(1) Foreign natural persons or legal entities are forbidden to finance the election campaign directly or indirectly.

(2) The amounts received this way are confiscated and become an income to the state budget.

###### ART. 25

(1) Any public authority, public institution, autonomous administration, national company, trading company or banking company where the state or administrative-territorial units are majority shareholders or trading companies carrying out activities financed from public funds must not finance in any way the election campaign of a party, party alliance or independent candidate. This interdiction applies to trading companies which, 12 months prior to the beginning of the election campaign, carried out activities financed from public funds.

(2) Trade unions, religious cults, foreign associations or foundations must not finance in any way the campaign of a party, party alliance or independent candidate.

(3) The amounts received in breach of paragraphs (1) and (2) are confiscated and become an income to the state budget.

#### SECTION 2

##### Financial representative

###### ART. 26

(1) Donations or legacies from natural persons or legal entities are received only through a financial representative, designated to this end by the party management.

(2) In case of elections for the Chamber of Deputies and the Senate, donations and legacies meant for a certain candidate or party received after the official announcement of the election date can only be made through a personal financial representative or the party financial representative. S/he can be appointed by the management of political parties, political alliances, election alliances, organizations of Romanian citizens belonging to national minorities for their candidates or can be elected personally by each candidate.

(3) The financial representative must keep track of the financial operations as follows:  
a) nationally, in the case of elections for the position of President of Romania and for the election of Romania's representative at the European Parliament;

b) for every election sector, in the case of elections for the Chamber of Deputies and the Senate;

c) for each county election circumscription in the case of elections for county counselors and chairman of the county council;

d) for each local election circumscription, in the case of candidates running for mayor and local counselors.

(4) The financial representative has the following attributes:

a) to organize the records of incomes received for the election campaign, the transfer of funds from incomes obtained outside the election period and of costs made for the campaign;

b) to check the lawfulness of the financial operations carried out during the campaign, the compliance with the provisions on donations registered in the period between the announcement of the election date and the completion of the campaign;

c) to send to the Permanent Electoral Authority the report on compliance with the legal terms on the financing of political parties during the campaign.

(5) The financial representative is jointly liable with the party that designated him/her for the lawfulness of the financial operations carried out during the campaign and for compliance with the provisions of art. 23-25.

(6) The financial representative can be a natural person or legal entity.

(7) A party may have several financial representatives at central level, for branches or candidates; in this case, their powers shall be delimited and a coordinating financial representative shall be designated.

(8) The coordinating financial representative represents the party in its relation with the Permanent Electoral Authority.

(9) During campaigns for the election of the Chamber of Deputies and the Senate, the financial operations of each candidate are recorded by a personal financial representative, who can be the same for several candidates. The candidates' financial representatives send the reports stipulated by the law to the Permanent Electoral Authority, through the coordinating financial representative.

(10) The Permanent Electoral Authority may ask, if necessary, for further documents or explanations from the candidates' financial representatives.

(11) The quality of financial representative is obtained only after its official registration with the Permanent Electoral Authority. The registration of the financial representative occurs between the announcement of the election date and the beginning of the election campaign, being made public in the media or on the party web page.

(13) Candidates cannot be financial representatives.

#### ART. 27

The provisions of art. 26 also apply to independent candidates.

#### ART. 28

The costs related to the organization and performance of election operations are incurred from the state budget or, as applicable, from local or county budgets, according to the provisions of election laws.

#### ART. 29

(1) Access to public radio and television services during the campaign, as well as special places of election posting is guaranteed and ensured according to the provisions of the election laws.

(2) Political parties and alliances, as well as independent candidates must print the following data on all the materials of election propaganda:

a) the name of the independent candidate, the name of the political party or political or election alliance s/he managed, as applicable;

b) the name of the economic operator that performed them.

(3) The costs with the creation of materials for electoral propaganda are exclusively incurred by their beneficiaries – independent candidates, political parties or political or election alliances.

(4) Political parties and alliances, as well as independent candidates, must declare to the Permanent Electoral Authority, through their financial representative, the number of materials of electoral propaganda produced, with details on categories.

(5) Any written, audio or video material that meets the following criteria is deemed material of electoral propaganda:

a) it refers to a clearly identified candidate or party;

b) it is used during the political campaign, set according to the laws on the organization of elections;

c) it has an electoral objective and addresses the public;

d) it exceeds the limits of the journalistic activity to inform the public.

(6) Written, audio or video materials used for the election of managerial organisms of political parties cannot be used in breach of the provisions of paragraph (5) letters b) – d).

### SECTION 3

#### Maximum limits for costs

#### ART. 30

(1) The maximum limit for costs that can be incurred by a political party or political or electoral alliance during every election campaign is calculated by adding up the maximum amounts accepted by the law for each candidate proposed for election.

(2) At central level, additional to the maximum accepted limits for each candidate, the party can spend the equivalent of maximum 50 basic national minimum gross wages for each candidate.

(3) The maximum amounts accepted for each candidate are set depending on the basic national minimum gross wage at the value existing on January 1<sup>st</sup> of the election year, as follows:

a) 350 basic national minimum gross wages for each candidate running for deputy;

- b) 500 basic national minimum gross wages for each candidate running for senator;
  - c) 2,500 basic national minimum gross wages for each candidate running for Romania's representative at the European Parliament;
  - d) 50 basic national minimum gross wages for each candidate running for county or local counselor in the General Council of Bucharest;
  - e) 30 basic national minimum gross wages for each candidate running local counselor in the council of cities which are county residence and in the councils of Bucharest districts;
  - f) 25 basic national minimum gross wages for each candidate running for local counselor in the councils of towns and cities;
  - g) 20 basic national minimum gross wages for each candidate running for local counselor in commune councils;
  - h) 10,000 basic national minimum gross wages for each candidate running for general mayor of Bucharest;
  - i) 2,500 basic national minimum gross wages for each candidate running for mayor of one of Bucharest districts or a town or city;
  - j) 30 basic national minimum gross wages for each candidate running for mayor of a commune;
  - k) 3,500 basic national minimum gross wages for each candidate running for chairman of a county council.
- (4) The maximum limits of the costs stipulated at paragraph (3) also apply to independent candidates.

#### ART. 31

(1) The candidates proposed to be elected by a political party can finance activities of electoral propaganda only through that political party.

(2) In the case of the campaign for the election of the Chamber of Deputies and the Senate, in every county election circumscription, each party shall open, as applicable, one party account or an account or sub-account for every candidate running for deputy and senator.

(3) The activities of electoral propaganda of every candidate, as well as the donations and legacies received by each candidate on behalf of the party take place only through the accounts or sub-accounts provided for at paragraph (2).

(4) The amounts received from candidates proposed to be elected by a political party can be deemed donations and comply with the provisions of this law accordingly.

(5) The provisions of this law do not apply to deposits made for the submittal of candidatures for the position of deputy or senator stipulated at art. 29 paragraphs (5) – (7) of Law no. 35/2008 on the election of the Chamber of Deputies and the Senate and for the amendment and completion of Law no. 67/2004 on the election of authorities of the local public administration, of the Law on local public administration no. 215/2001 and Law no. 393/2004 on the status of local officials, with the subsequent amendments and completions.

#### ART. 32

Until the offices are validated, the management of the party, county organization, the candidates running for deputy or senator or, as applicable the independent candidate shall

submit to the Permanent Electoral Authority a statement on their compliance with the limits stipulated at art. 30 paragraph (3).

(2) The amounts that exceed the limits stipulated at art. 30 paragraph (3) become an income to the state budget.

#### ART. 33

(1) The maximum limit of costs that can be spent by a party, political alliance or independent candidate during the election campaign for the election of Romania's President is 25,000 basic national minimum gross wages.

(2) The provisions of art. 23 – 29, art. 32, 39, 42 and 47 apply accordingly.

(3) If the elections for Romania's President take place at the same time with the elections for the Chamber of Deputies and the Senate, the parties that propose a candidate for the position of Romania's President shall designate a special representative for the election campaign of the said candidate.

#### ART. 34

When a candidate is proposed for several positions on a political campaign, the maximum limit of the costs that can be spent is set at the highest value, according to art. 30 or 33, as applicable.

### **CHAPTER V**

#### **Controlling the financing of political parties and election campaigns**

#### ART. 35

(1) The Permanent Electoral Authority is the public authority which has the power to control compliance with the legal provisions on the financing of political parties, political or electoral alliances, independent candidates and election campaigns.

(2) The control of subsidies from the state budget shall be carried out simultaneously by the Court of Accounts, according to the provisions of Law no. 94/1992 on the organization and operation of the Court of Accounts, republished.

(3) Within 60 days as of the entry into force of this law, the Permanent Electoral Authority sets up the Department for the control of the financing of political parties and election campaigns, by making extra recruitments to the existing staff scheme.

(4) The Department for the control of the financing of political parties and election campaigns is run by a general manager appointed within 90 days as of the entry into force of this law.

(5) Any person who cumulatively meets the following requirements can be appointed general manager of the Department for the control of the financing of political parties and election campaigns:

a) s/he can hold a position under the terms set at art. 12 paragraph (1) letters a) – h) of Law no. 7/2006 on the statute of the parliamentary public servant, republished;

b) s/he has academic education in the field of economic or legal sciences;

c) s/he has not been a member of a political party for the last 5 years.

(6) The competition for the position specified at paragraph (4) s organized by a special committee made of 7 members, appointed within 30 days as of the entry into force of this law, through order of the chairman of the Permanent Electoral Authority, made of faculty with economic or legal background.

(7) The committee specified at paragraph (6) shall draft the competition regulation and shall designate the winner, who will be designated by the chairman of the Permanent Electoral Authority, within 15 days as if the designation.

(8) The general manager of the Department for the control of the financing of political parties and election campaigns has the following exclusive attributes:

- a) to organize the activity for the control of financing of political parties;
- b) to coordinate the activity of the subordinate staff;
- c) to propose to the chairman of the Permanent Electoral Authority the application of the sanctions stipulated by this law.

#### ART. 36

(1) On a yearly basis and whenever requested to, the Permanent Electoral Authority checks, for each party, their compliance with the legal provisions on the financing of political parties.

(2) The Permanent Electoral Authority can be informed by any person who submits evidence referring to incompliance with the legal provisions on the financing of political parties.

(3) The action of the person stipulated at paragraph (2) of presenting misrepresentations in bad will referring to the incompliance with the legal provisions on the financing of political parties is an offence and is punished with imprisonment from 1 to 3 years.

(4) The annual report is published in the Official Gazette of Romania, Part I and on the web page of the Permanent Electoral Authority by March 31<sup>st</sup> of the next year.

(5) The Permanent Electoral Authority can control compliance with the legal provisions on the financing of political parties and when there are any doubts as to a breach of the legal provisions on the financing of political parties, upon the information coming from any interested person or ex officio.

(6) The results of each control are published in the Official Gazette of Romania, Part I and on the web page of the Permanent Electoral Authority, within 15 days.

#### ART. 37

Public authorities must support the Permanent Electoral Authority in carrying out the control of the financing of political parties.

#### ART. 38

(1) Within 15 days as of the election date, the financial representative must submit to the Permanent Electoral Authority a detailed report with the electoral incomes and costs for each political party, political alliance, electoral alliance, organization of Romanian citizens belonging to national minorities or independent candidate.

(2) After the expiry of the term stipulated at paragraph (1), the Permanent Electoral Authority ensures the public dissemination of the list with political parties, political alliances, electoral alliance, organizations of Romanian citizens belonging to national minorities and independent candidate who submitted detailed reports with the electoral incomes and costs, as they are submitted, through successive publications in the Official Gazette of Romania, Part I.

(3) The reports are published by the Permanent Electoral Authority in the Official Gazette of Romania, Part I, within 30 days as of the publication of the election result.

(4) The candidates who were declared winners cannot have their office validated unless the detailed report with the electoral incomes and costs for each political part or independent candidate has been submitted under the law.

#### ART. 39

(1) In order to check the lawfulness of money paid and received by political parties, the Permanent Electoral Authority can ask for further statements and documents it deemed necessary.

(2) Political parties must submit the requested documents within 15 days to the representatives of the Permanent Electoral Authority.

(3) Within 30 days as of the reception of the report or, as applicable, of the further documents requested, the Permanent Electoral Authority makes a decision on the accuracy of the electoral accounting books and on the lawfulness of the payments that were made.

(4) If it discovers any irregularities, the sanctions stipulated by this law shall apply.

(5) The decision made according to paragraph (3) can be contested before the competent court, under the law.

#### ART. 40

(1) The Permanent Electoral Authority must publish on its own web page all the reports that have to be published in the Official Gazette of Romania, Part I, according to art. 4 paragraph (4), art. 9 paragraphs (1) and (2), art. 11 paragraph (3), art. 12 paragraph (3), art. 13 paragraph (4) and art. 38 paragraph (3), as well as the statements stipulated at art. 23.

(2) Political parties have the obligation to provide the data specified at paragraph (1) in electronic format.

## CHAPTER VI

### Sanctions

#### ART. 41

(1) The breach of the provisions stipulated at: art. 3 paragraphs (2) and (3), art. 4 paragraphs (3) and (4), art. 5, 6, 7, 8, 9, art. 10 paragraphs (2) and (3), art. 11 paragraphs (1) and (3), art. 12 paragraphs (1) and (3), art. 13 paragraphs (1) and (2), art. 20 paragraph (2), art. 23, art. 24 paragraph (1), art. 25 paragraphs (1) and (2), art. 26 paragraphs (1), (3), (4), (11) and (13), art. 29 paragraphs (2) - (4) and (6), art. 30 paragraphs (3) and (4), art. 31, 38 and art. 39 paragraph (2) are contraventions and are sanctioned with a fine between RON 5,000 and 25,000.

(2) The sanctions can be used, as applicable, against the political party, independent candidate, financial representative and/or donor who breached the provisions of paragraph (1).

#### ART. 42

(1) In the situations specified at art. 41 paragraph (1), the offender pays to the state budget the amounts and/or the equal amount of the goods and services that made the object of the contravention, based on the decision of the Permanent Electoral Authority.

(2) Similarly, the donations accepted by a political party in progress of dissolution or by a political party that acts under an amended statute although the amendments were not communicated to the Bucharest Court according to the legal provisions or the court rejected the application to amend the statute, become an income to the state budget.

#### ART. 43

(1) The contraventions stipulated at art. 41 are certified by the representatives of the Permanent Electoral Authority, and the sanction applies through decision of the Permanent Electoral Authority.

(2) The decision of the Permanent Electoral Authority can be contested before the competent court, under the law.

#### ART. 44

The provisions of art. 41 and 43 are completed with the provisions of Government Order no. 2/2001 on the legal regime of contraventions, approved with amendments and completions through Law no 180/2002, with the subsequent amendments and completions.

#### ART. 45

(1) Within 30 days as of the date when the decision on the report for the certification of the contravention remains final and irrevocable, or, as applicable, after the expiry of the term for the appeal of the report which certifies the contravention, the amounts corresponding to unpaid fines can be retained in monthly installments which are to be paid as public financing, with the appropriate application of the procedure on forced execution through garnishment, stipulated by Government Order no. 92/2003 on the Code of fiscal procedure, republished, with the subsequent amendments and completions.

(2) The Ministry of Public Finance, through its competent organisms, informs the Permanent Electoral Authority on the failure to pay the fines applied by the Permanent Electoral Authority on the term stipulated at paragraph (1).

#### ART. 46

(1) If, through final legal decision, one or several candidates declared winners of a political party were sentenced for an offence related to the financing of that political party or, as applicable, of the election campaign, they become incompatible with the status of parliamentary or local official for the obtained office, which is canceled.

(2)\*) Through decisions of the Chambers of Parliament or, as applicable, of the county or local council the incompatibility is certified and the positions of deputies, senators



or counselors that became vacant shall be held by the substitutes to be found on the list of that political party.

(3)\*) The provisions of paragraphs (1) and (2) also apply to political alliances, electoral alliances and independent candidates, in this case, the vacant seat is to be held by the substitute to be found on the list of the political party of electoral alliance who obtained the highest number of validly expressed votes.

ART. 47. \*)

The procedure for the application of the measures stipulated at art. 46 shall be established through the regulations of the Chambers of Parliament, as well as through the regulations of country and local councils.

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\*) See Law no. 35/2008 on the election of the Chamber of Deputies and the Senate and the amendment and completion of Law no. 67/2004 on the election of authorities of the local public administration, of the Law of the local public administration no. 215/2001 and Law no. 393/2004 on the Statute of local officials, published in the Official Gazette of Romania, Part I no. 196 of March 13<sup>th</sup>, 2008, with the subsequent amendments and completions.

## **CHAPTER VII**

### **Transitory and final provisions**

ART. 48

The provisions of this law apply accordingly to the organizations of citizens belonging to national minorities which are assimilated to political parties, political alliances, electoral alliances and independent candidates, under the terms of the election law.

ART. 49

(1) The Permanent Electoral Authority keeps a tax record of political parties, political alliances and independent candidates that shall contain all the data referring to their financial activity, as well as the applied sanctions.

(2) Within 120 days as of the entry into force of this law, the Permanent Electoral Authority shall take over the tax record from the Court of Accounts under a delivery-reception report.

ART. 50

Law no. 373/2004\*) on the election of the Chamber of Deputies and the Senate, published in the Official Gazette of Romania, Part I, no. 887 of September 29<sup>th</sup>, 2004, with the subsequent amendments and completions, is amended as follows:

1. At article 28, paragraph (2) shall have the following content:

“(2) The organization and operation of the staff of the Permanent Electoral Authority, the number of jobs, the staff statute, the attributions thereof and the organizational structure are set through the organization and operation regulation, approved through decision of the permanent offices of the two Chambers of Parliament, at the proposal of the Permanent

Electoral Authority. The staff of the Permanent Electoral Authority has the same status as the staff of the two Chambers of Parliament. The provisions of art. XVI of title III of the second book of Law no. 161/2003 on certain measures to ensure transparency in exerting public offices, public positions and in the business environment, the prevention and sanction of corruption, with the subsequent amendments and completions, shall not apply to the organization and operation of the own staff”.

2. At article 29, paragraph (4) shall have the following content:

“(4) In fulfilling its duties, the Permanent Electoral Authority adopts decisions and instructions which are signed by the chairman and countersigned by vice-presidents. The decisions of the Permanent Electoral Authority are published in the Official Gazette of Romania, Part I, and are binding for all the organisms and authorities with electoral attributes”.

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\*\* ) Abrogated through Law no. 35/2008 on the election of the Chamber of Deputies and the Senate and the amendment and completion of Law no. 67/2004 on the election of authorities of the local public administration, of the Law of the local public administration no. 215/2001 and Law no. 393/2004 on the Statute of local officials, published in the Official Gazette of Romania, Part I no. 196 of March 13<sup>th</sup>, 2008, with the subsequent amendments and completions.

#### ART. 51

The new organizational structure of the Permanent Electoral Authority is approved through decision of the permanent offices of the two Chambers of Parliament, in order to ensure the operation of the Department for the control of the financing of political parties and election campaigns and the specialized department for the allocation of the subsidy from the state budget.

#### ART. 52

(1) Within 90 days as of the entry into force of this law, the methodological norms for the application of the provisions thereof shall be drafted and sent for approval through Government decision, at the proposal of the Permanent Electoral Authority.

(2) The methodological norms shall regulate:

- a) the current accounting method of political parties;
- b) the means and format for the registration, maintenance and advertising of donations, contributions and incomes of political parties;
- c) the reception and use of subsidies from the state budget;
- d) the specific means and format for the registration of incomes and costs during election campaigns;
- e) the attributes of the financial representative;
- f) the control procedure and methodology.

ART. 53

(1) This law enters into force within 30 days as of the publication thereof in the Official Gazette of Romania, Part I, except for the following provisions, which enter into force on July 1<sup>st</sup>, 2007, referring to:

- a) the allocation of subsidies from the state budget;
- b) the Permanent Electoral Authority, except for art. 35 paragraphs (3) – (8).

(2) Upon the entry into force of this law, Law no. 43/2003 on the financing of the activity of political parties and election campaigns published in the Official Gazette of Romania, Part I, no. 54 of January 30<sup>th</sup> 2003 with the subsequent amendments is abrogated, except for the provisions referring to the allocation of subsidies from the state budget and the Court of Accounts, which is abrogated on July 1<sup>st</sup>, 2007.

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