

Law no. 334/2006 on 17th July 2006, on financing the activity of political parties and electoral campaigns

**CHAPTER 1
General provisions**

ART. 1

(1) This law aims at ensuring equality of chances for the political competition and transparency of the funding both the activity and the campaigns of the political parties.

(2) The public or private financing cannot aim at limiting the independence of the political parties.

(3) Political parties activity financing is done solely under the law.

ART. 2

Political parties can detain, under the law's conditions, movable and immovable (real estate) assets that are necessary for the accomplishment of their specific activity.

ART. 3

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

- a) party membership fees;
- b) donations, legacies and other liberalities;
- c) incomes from the party own activities, according to art. 12;
- d) subsidies from the state's budget.

(2) The political parties are not allowed to have and use other financing sources than the ones stipulated at para (1).

(3) The political parties have the obligation to organize their own accounting books, according to the accounting provisions currently in force.

(4) The cash and payment operations of the political parties shall be made through bank accounts, in lei and foreign currency, opened at banks having their headquarters in Romania, according to the law.

(5) The incomes from the activities stipulated at para (1) letter c) are exempted from taxes and fees.

**CHAPTER 2
Private financing**

**SECTION 1
Membership fees**

ART. 4

(1) The amount, repartition and usage of the dues are settled by decisions of the political party, according to their statute.

(2) The total income coming from membership fees is not limited.

(3) The amount of the membership fees paid by a member per year cannot exceed 48 minimum gross salaries at national level. The minimum gross salary at national level taken for reference is the one valid at 1st of January of that year.

(4) The political parties have the obligation to publish within the Romanian Official Journal, 1st part, the total amount of the incomes from the membership fees, as well as the list of the members who paid in a year fees whose total value exceed 10 minimum gross salaries at national level, until 31st of March next year.

(5) The list stipulated at para (4) shall contain the following mandatory elements: the full name of the party member, citizenship, personal identification number, the value and the date the membership fees were paid.

SECTION 2

Donations

ART. 5

(1) The donations received by a political party in a fiscal year cannot exceed 0,025% of the incomes provided by the state's budget for that year.

(2) In a fiscal year when general elections, local elections, parliamentary ones or for the European Parliament, or Presidential elections are taking place, the limit shall be 0.050% of the incomes provided by the state's budget for that year,

(3). The donations coming from an individual in one year may reach a total up to 200 minimum gross salaries at national level at the ongoing value on 1st of January of that year.

(3¹) In the fiscal year in which more elections are taking place, the donations from an individual may reach a total up to 400 minimum gross salaries at national level, at the value valid on the 1st of January of that year, for each electoral campaign or campaign for referendum, with the observance of the provisions of para (2) above.

(4) The donations from a legal person for one year may reach a total up to 500 minimum gross salaries at national level, at the value valid on the 1st of January of that year.

(4¹) In the fiscal year in which several elections are taking place, the donations from a legal person in one year may reach a total up to 1.000 minimum gross salaries at national level, at the valid on 1st of January of that year, for each electoral campaign or campaign for referendum, with the observance of the provisions of para (2) above.

(5) The total amount of donations from legal persons directly or indirectly controlled by another person or group of natural or legal persons cannot exceed the limits provided by paragraphs (3) and (4) above.

(6) The real value of movable and immovable (real estate) assets donated to the party, as well as the value of the free of charge services offered is included in the value of the donations, within the limits provided by para (1) – (4) above.

(7) It is forbidden for legal persons that, at the time of donation, have debts older than 60 days to the state budget, to the social security budget or to the local budgets, to make donations to political parties, unless they are liable to recover amounts exceeding their own debts.

(8) When the donation is made, the political party has the obligation to require the donor - legal person - to submit a declaration on his/her own liability regarding the compliance with the conditions laid down by para. (7) above.

(9) It is forbidden for political parties to accept, under any circumstances, directly or indirectly, donations of goods, money or free services made with the obvious intention of gaining an economic or political advantage or donations made with the non – compliance of the provisions of para (8) above.

ART. 6

The discounts that exceed 20% of the value of goods and services offered to political parties and independent candidates will be considered donations and they will be registered distinctly in the accounting books of the party or those of the independent candidate, according to regulations issued by the Ministry of Public Finances.

ART. 7

(1) When receiving a donation, checking and registering the donor's identity, no matter the public or confidential character of the donation, is mandatory.

(2) At the donor's written request, his/her identity may remain confidential, in the situation in which the donation is up to the limit of 10 minimum gross salaries at the national level for one year.

(3) The total amount received by a political party as confidential donations shall not exceed the equivalent of 0.006% of the incomes provided by the state budget for that year.

ART. 8

(1) All the donations shall be registered in a proper way within the accounting documents, mentioning the date when the donations were made, as well as other information allowing the identification of the financing sources.

(2) Donations of goods and free of charge services will be registered in the accounting books at their real value, settled according to the law.

(3) Voluntary activities deployed according to the law are not to be considered donations.

ART. 9

(1) The political parties have the obligation of publishing within the Romanian Official Journal, 1st part, the list of the natural and legal persons who have made within one fiscal year donations whose cumulated value exceeds 10 minimum gross salaries at national level, as well as the total amount of confidential donations received, until the 31st of March of the next year.

(2) The list mentioned at para (1) shall contain the following mandatory elements:

a) for natural persons - donor's full name, personal identification number, citizenship, value, the type and date the donation was made;

b) for legal persons - name, address, nationality, unique registration code, value, the type of donation and the date the donation was made.

ART. 10

(1) It is forbidden to use the financial, human and technical resources belonging to public institutions, autonomous administrations, national companies, trade companies or banks where the state or territorial administrative units are main shareholders, in order to support the activity of political parties or their campaign, otherwise than under the conditions settled by the electoral laws.

(2) Political parties are not allowed to accept donations or free of charge services from an authority or public institution, autonomous administrations, national companies, trade companies or banks with total or majority state capital.

(3) It is forbidden to accept donations from trade unions or religious cults, regardless of their nature.

(4) All the amounts received by breaching the provisions of para (2) and (3) shall be confiscated and made revenue at the state budget.

(5) The provisions of para (1) - (4) shall be accordingly applied for the political alliances, electoral alliances as well as independent candidates.

ART. 11

(1) Accepting donations from other states or foreign organizations, as well as from foreign natural or legal persons is forbidden.

(2) Donations representing material goods necessary for the political activity, but which are not electoral propaganda materials, coming from international political organizations to which the party is affiliated or from political parties or political formations having political cooperation relations are excepted from the provisions of para (1) above. Propaganda materials can be received, but only those that are used only in the electoral campaigns for the election of the representatives of Romania in the European Parliament.

(3) Donations received under para. (2) will be published in Official Journal of Romania, Part I, until 31st of March next year.

(4) The donations mentioned in para. (2) are exempted from customs duties, excepting the vehicles used for transport.

(5) All the amounts received by breaching the provisions of para (1) shall be confiscated and made revenue at the state budget

SECTION 3 **Other income sources**

ART. 12

(1) Political parties are not allowed to deploy activities specific to the commercial societies. The following activities are exceptions, the political parties being permitted to obtain incomes:

a) editing, elaborating and disseminating publications or other propaganda and political culture materials;

b) organizing meetings and seminars with a political, economic or social theme ;

c) cultural, sports and recreation activities;

d) internal services;

e) renting locations that are in their own patrimony for conferences or social-cultural activities and for organizing parliamentary offices;

f) selling lands and buildings from their patrimony, but only after at least 10 years from their registration within the patrimony, with the exception of the political parties in course of dissolution. The 10 years term is not applicable for the situation of the inherited immovable (real estate) assets;

g) Selling movable assets from their patrimony, unless it represents acts of trade.

(2) Political parties can get incomes from bank interests.

(3) The political parties have the obligation to publish within the Romanian Official Journal, 1st part, the total amount of the incomes obtained from other sources, until 31st of March of the next year.

ART. 13

(1) If a party is associated, according to the law, with a non-political formation, the financial contribution of the latter to that specific type of association cannot exceed, for one fiscal year, the value of 500 minimum gross salaries at national level, valid by 1st of January of that year.

(2) The total financial contribution under different types of association with non-political formations cannot have per year a bigger value than the equivalent of 0,006% of the income provided by the state budget for that year.

(3) All the amounts received by breaching the provisions of para (1) and (2) shall be confiscated and made revenue at the state budget

(4) The political parties have the obligation to publish within the Romanian Official Journal, Part I, the total amounts para (1) refers to, until 31st of March of the next year.

CAP. 3 **Public financing**

Subsidies from the state budget

ART. 14

(1). Political parties receive annually subsidies from the state's budget, according to the law.

(2) The total amount assigned annually to political parties cannot exceed 0,04% of the income stipulated in the state's budget. For political parties that promote women on their

electoral lists, on eligible places, the total amount assigned will be increased proportionally with the number of mandates obtained in the elections by the women candidates.

(3) The subsidy from the state's budget is granted under the following criteria:

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

(4) In the case of political or electoral alliances, the subsidy will be divided, according to the agreement, among the members of the alliance, or, in case of no agreement, according to the number of mandates obtained.

ART. 15

75% of the annual budget granted to political parties will be divided to political parties, giving each a proportional amount with the number of votes received in the parliamentary elections, which is the average of the valid votes cast for the Chamber of Deputies and the Senate, if they reached the electoral threshold.

ART. 16

25% of the annual budget granted to political parties will be divided to political parties, giving each a proportional amount with the number of valid votes, received in the local elections for county and Bucharest Municipality counsellors, if they obtained at least 50 county and municipal counsellors mandates.

ART. 17

Political entities and political or electoral alliances receive annual grants from the state budget under the conditions provided by the law.

ART. 18

(1) The subsidy from the state budget shall be monthly transferred within the bank account of each political party, through the budget of the Permanent Electoral Authority, and it shall be distinctly registered within the accounting books of the political parties.

(2) At the level of the Permanent Electoral Authority, a specialized department for the allocation of the subsidy from the state budget shall be set up.

ART. 19

(1) Granting the subsidy from the state budget may be temporarily suspended by decision of the Permanent Electoral Authority for breaching the provisions of art. 3 para. (3), art. 4 para. (4), art. 9, art. 11 para. (3), art. 12 para. (1), art. 13 para. (4), art. 39 and art. 40 para. (2), until fulfilling the legal requirements.

(2) The Permanent Electoral Authority shall previously notify the political party on the irregularities they have found, as well as on the deadline for their remedy.

(3) The deadline granted to the political parties for the remedy of the irregularities cannot exceed 15 days.

(4) The decision on the temporary suspension of the monthly instalments from the state budget can be challenged in a term of 15 days from the communication at the competent administrative contentious court, which shall render a decision in 15 days since the complaint was filed. The decision of the court is final and irrevocable.

(4¹) On the period of temporary suspension of the subsidy, the amounts shall be kept by the Permanent Electoral Authority until the court renders a final decision, and the amounts shall not be reimbursed, at the end of the year, at the state budget.

(5) In term of 10 days from the written notifications of the political party regarding the addressing of the irregularities, the Permanent Electoral Authority shall render a decision on lifting the decision on the suspension of the monthly instalments.

ART. 20

(1) The incomes representing subsidy from the state's budget can have the following destinations:

- a) expenses for maintenance and functioning of premises;
- b) personnel expenses;
- c) expenses for media and propaganda;

- d) expenses for organizing political activities;
- e) expenses for travelling inside the country and abroad;
- f) telecommunications expenses;
- g) expenses with foreign delegations;
- h) expenses for fees owed to international political organizations the party is affiliated to;
- i) investments in movable and immovable (real estate) assets, necessary for the activity of the parties;
- j) protocol expenses;
- k) office equipments expenses;
- l) electoral campaign expenses .

(2) The use of the incomes from public funding for any other destinations than those mentioned at para (1) above is forbidden.

(3) The leading bodies of political parties will decide the effectiveness and appropriateness of these costs, according to their statute and to the legal provisions.

ART. 21

(1) The authorities of the central and local public administration shall ensure, with priority, in a term of maximum 90 days from the request, premises for the central and local headquarters of the political parties, as well as the due lands, at their motivated solicitation.

(2) The political parties are allowed to receive maximum one headquarter for an administrative territorial unit.

(3) Renting by the local authorities of the premises for the headquarters of the political parties is subject to the juridical regime for renting premises for housing.

(4) The political parties ceasing their activity as a result of reorganization, self dissolution or dissolutions mentioned within final decisions of the courts have the obligation to handle the local public administration authorities, in a term of 30 days, the premises they had detained through a renting contract with these authorities. The premises detained in their own patrimony shall be transmitted according to the law.

(5) In a term of 30 days, the Bucharest Tribunal shall notify on the ceasing of the activity of the political party the Ministry of Interior and the Administrative Reform and the Permanent Electoral Authority.

(6) In a term of 15 days from receiving the notification, the Ministry of Administration and Interior shall transmit these decisions to the prefect institution in all the counties and the Bucharest municipality for taking over the premises rented by the public authorities, through bailiffs, if they had not been handled within the legal term.

ART. 22

The payment of all the expenses of a political party related to the telecommunications, electrical energy, gas, etc is the exclusive responsibility of this party and the price shall be the one for the premises for housing.

CHAPTER 4

Financing during the electoral campaigns

SECTION 1

Contributions for the electoral campaigns

ART. 23

(1) The donations and legacies received from natural or legal persons after the beginning of the electoral campaigns shall be declared to the Permanent Electoral Authority by the financial manager, in a term of 5 working days from receiving them.

(2) The donations and legacies received after the beginning of the electoral campaigns shall be used for the electoral campaign only after declaring them at the Permanent Electoral Authority.

ART. 24

(1) Campaign financing, directly or indirectly, by foreign natural or legal persons is forbidden.

(2) All the amounts received in such conditions shall be confiscated and made revenue at the state budget.

ART. 25

(1) Financing in any way the electoral campaign of a political party, alliance of political parties or an independent candidate by public institutions, autonomous administrations, national companies, trade companies or banks where the state or territorial administrative units are main shareholders, or by commercial societies deploying activities financed by public funds is forbidden. This interdiction is applicable to the commercial societies which, 12 months before the beginning of the electoral campaign have deployed activities financed by public funds.

(2) Trade unions, religious cults, and associations or foreign foundations are forbidden to finance, in any way, the electoral campaigns of a political party, an alliance or an independent candidate.

(3) All the amounts received by breaching the provisions of para (1) and (2) shall be confiscated and made revenue at the state budget

SECȚIUNEA a 2-a **Financial manager**

ART. 26

(1) Receiving donations or legacies from natural or legal persons shall be done only through a financial manager, appointed for this purpose by the leading bodies of the political party.

(1¹) In the case of the elections for the Chamber of Deputies and Senate, the donations and the legacies for a candidate or political party, received after the official announcement of the elections date, shall be done only through a financial manager of the candidate or of the political party. This manager may be appointed by the leading bodies of the political parties, of the political alliances, electoral alliances, organizations of the Romanian citizens belonging to national minorities, for their candidates, or he/she may be personally chosen by each candidate.

(2) The financial manager has the obligation to keep the evidence of the financial operations, as it follows:

a) at national level, in the case of elections for the President of Romania and for the elections of Romania's representatives within the European Parliament;

b) for each electoral college, in the situation of the elections for the Chamber of Deputies and for the Senate;

c) for each electoral county circumscription, in the situation of the elections for county counsellors and presidents of the county councils;

d) For each electoral local circumscription, for the candidates for the mayor and local counsellors functions.

(3) The financial manager has the following attributions:

a) organizes the book keeping for the incomes received for the electoral campaign, the transfer of other funds coming from the revenues obtained in other periods than the electoral one, as well as the expenditure made for the electoral campaign;

b) Checks the legality of the financial operations made during the electoral campaign, the observance of the legal provisions on the donations registered in the period between the official announcement of the elections date and the end of the electoral campaign;

c) Sends to the Permanent Electoral Authority the report on the observance of the legal conditions regarding the financing of the political parties during the electoral campaign.

(4) The financial manager is held responsible together with the political party which appointed him/her for the legality of the financial operations made during the electoral campaign as well as for the observance of the provisions of art. 23 - 25.

(5) The financial manager may be a natural or a legal person.

(6) A political party may have several financial managers, at a central level, for the territorial branches or for the candidates; in this situation their powers of manager shall be clearly delimited and a coordinating financial manager shall be appointed.

(6¹) The coordinating financial manager is representing the party in the relationship with the Permanent Electoral Authority.

(6²) During the campaigns for the elections of the Chamber of Deputies and the Senate, the financial operations of each candidate are registered by a personal financial manager, which may be the same for several candidates. The financial managers of the candidates shall send the reports stipulated by the law to the Permanent Electoral Authority, through the coordinating financial manager.

(6³) The Permanent Electoral Authority can request, whenever it considers necessary, supplementary documents or explanations to the financial managers of the candidates.

(7) The services of the same financial manager cannot be used by several political parties, with the exception of the situation in which the political parties are part of the same political or electoral alliance.

(8) The quality of financial manager is obtained only after its official registering at the Permanent Electoral Authority. The registering of the financial manager shall be made in the period between the moment of the official announcement of the elections date and the beginning of the electoral campaign, being published within the newspapers or on the website of the political party.

(9) The candidates are not allowed to be financial managers.

ART. 27

The provisions of art. 26 shall be applied accordingly to the independent candidates.

ART. 28

The expenditures for the organization and deploying of the electoral operations shall be paid from the state budget, or, as the case may be, the local or county budgets, according to the provisions of the electoral law.

ART. 29

(1) The access to the public radio and TV services during the electoral campaign, as well as to the special places of electoral billing is guaranteed and shall be ensured according to the provisions of the electoral laws.

(2) The political parties and alliances, as well as the independent candidates, have the obligation of printing on all their propaganda materials the following information:

a) the full name of the independent candidate , the name of the political party or the political or electoral alliance which has ordered them, as the case may be;

b) the name of the economic operator which made them .

(3) The expenditure regarding the electoral propaganda materials are paid exclusively by their beneficiaries – independent candidates, political parties or political or electoral alliances.

(4) Political parties and alliances, as well as the independent candidates have the obligation to declare to the Permanent Electoral Authority, through the financial manager, the number of the electoral propaganda materials which were produce, on categories.

(5) It shall be deemed electoral propaganda material any written, audio or video material fulfilling the following conditions:

- a) it refers to a clearly identified candidate or political party ;
- b) It is used during the electoral campaign, established according to the law on the elections organization;
- c) it has an electoral objective and it is aimed for the public;
- d) it goes beyond the limits of the journalistic activity of informing the public.

(6) Using the written, audio or video material for the election of the leading bodies of the political parties shall not be made by breaching the provisions of para (5) letters b) – d) .

SECTION 3

Maximum limits of expenditure

ART. 30

(1) The maximum limits of the expenditure a political party or alliance can make in each electoral campaign shall be calculated by summing up the maximum values allowed by the law for each candidate proposed for the elections.

(1¹) At central level, over the maximum limits allowed for each candidate, the party can spend a sum of maximum 50 minimum gross salaries at national level for each candidate.

(2) The maximum values allowed for each candidate are settled according to the minimum gross salary at national level, valid on 1st of January of the electoral year, as it follows:

- a) 350 minimum gross salaries at national level for each candidate for the Deputy seat;
- a¹) 500 minimum gross salaries at national level for each candidate for the Senator seat;
- b) 2.500 minimum gross salaries at national level for each candidate for the seat of Romania's representative within the European Parliament;
- c) 50 minimum gross salaries at national level for each candidate for the seat of county or local counsellor in the General Council of the Bucharest Municipality
- d) 30 minimum gross salaries at national level for each candidate for the seat of local counsellor in the councils of the municipalities - county capital and in the councils of the districts of the Bucharest Municipality.
- e) 25 minimum gross salaries at national level for each candidate for the seat of counsellor in the councils of cities and municipalities;
- f) 20 minimum gross salaries at national level for each candidate for the seat of counsellor in the councils of communes;
- g) 10.000 minimum gross salaries at national level for each candidate for the seat of general mayor of the Bucharest Municipality;
- h) 2.500 minimum gross salaries at national level for each candidate for the seat of mayor of a district in the Bucharest Municipality or of another city or municipality;
- i) 30 minimum gross salaries at national level for each candidate for the seat of mayor of a commune;
- j) 3.500 minimum gross salaries at national level for each candidate for the seat of president of a county council.

(3) The maximum limits of expenditure mentioned at para (2) are also applicable for independent candidates

ART. 31

(1) The candidates proposed for the elections by a political party are allowed to finance electoral propaganda activities only through the political party.

(1¹) In the case of the electoral campaign for the election of the Chamber of Deputies and the Senate, at the level of county electoral circumscriptions, each party shall open, as

the case may be, an account of the party or an account or sub- account for each candidate for the deputy or senator function.

(1²) The electoral propaganda activities of each candidate, as well as the donations and the legacies received by each candidate in the name of the party shall be deployed only through the accounts or sub-accounts stipulated at para (1¹).

(2) The amounts of money received from the candidates proposed for elections by a political party shall be deemed donations and the provisions of this law shall be applied accordingly.

(3) The provisions of this law are not applicable for the bank deposits made with the view of filing the candidatureship documents for the deputy or senator function, stipulated by art. 29 para. (5) - (7) of the Law no. 35/2008 on the election of the Chamber of Deputies and the Senate and on amending the Law no. 67/2004 on the election of the local public administration authorities, the Law no. 215/ 2001 on the local public administration and the Law no. 393/2004 of the statute of the local elected officials, with further amendments.

ART. 32

(1) Until the validation of the mandates, the leading bodies of the party, of the county organization, the candidates at the deputy or senator function, or as the case may be, the independent candidate shall file at the Permanent Electoral Authority a declaration on the observance of the limits stipulated at art. 30 para (2).

(2) The amounts exceeding the limits stipulated at art 30 para (2) shall be made revenue at the state budget

ART. 33

(1) The maximum limit of expenditure that a party, political alliance or independent candidate can spend during the electoral campaign for Presidential elections is 25.000 minimum gross salaries at national level.

(2) The provisions of art. 23 - 29, of art. 32, 39, 42 and 47 shall be applied accordingly.

(3) In the situation in which the elections for the President of Romania are taking place at the same time with the elections for the Chamber of Deputies and Senate, the political parties which propose a candidate for the function of President of Romania shall appoint a special manager for the electoral campaign of that candidate.

ART. 34

When a candidate is proposed for more functions in an electoral campaign, the maximum limit of the expenditures which can be made shall be established at the biggest value, according to art 30 or 33, as the case may be.

CHAPTER 5

The control of financing the political parties and the electoral campaigns

ART. 35

(1) The Permanent Electoral Authority is the public authority authorized to control the observance of the legal provisions on financing the political parties, the political or electoral alliances, the independent candidates and the electoral campaigns.

(2) The control of the subsidies from the state budget shall be also made simultaneously by the Court of Accounts, according to the provisions of the Law no. 94/1992 on the organization and functioning of the Court of Accounts, republished, with further amendments.

(3) Within the Permanent Electoral Authority, a Department for the control of financing the political parties and the electoral campaigns shall be set up in 60 days from the date of this law's entering into force, by supplementing the existent personnel scheme.

(4) The Department for the control of financing the political parties and the electoral campaigns shall be run by a general director, appointed in a term of 90 days since this law's entering into force.

(5) Any person cumulatively fulfilling the following conditions can be appointed as a general director of the Department for the control of financing the political parties and the electoral campaigns:

- a) he/she can occupy a function, under the conditions mentioned at art. 11 para (1) letters a) – h) in the Law no. 7/ 2006 on the statute of the parliamentary public servant;
- b) he/she has a university diploma for economic or juridical sciences;
- c) He/she has not been a member of a political party during the last 5 years.

(6) The contest for occupying the function stipulated at para (4) is organized by a special commission, made of 7 members, appointed in a term of 30 days from the date of this law's entering into force, through order of the president of the Permanent Electoral Authority; the members of the commission shall be professors with economic or juridical studies.

(7) The Commission stipulated at para (6) shall settle the regulation of the contest and designate the winning candidate, who shall be appointed in the function by the president of the Permanent Electoral Authority, in a term of 15 days from the designation.

(8) The general director of the Department for the control of financing the political parties and the electoral campaigns has the following exclusive attributions:

- a) organizes the activity of control of financing the political parties ;
- b) coordinates the activity of the subordinated personnel;
- c) Proposes the application of the sanctions stipulated by the law to the president of the Permanent Electoral Authority.

ART. 36

(1) Every year, and each time a request is filed, the Permanent Electoral Authority verifies for each party the observance of the legal provisions on the financing of the political parties.

(2) The Permanent Electoral Authority may receive requests from any person bringing evidence regarding the non observance of the legal provisions on the financing of the political parties.

(3) The deed of the person mentioned at para (2) of making in bad faith false statements regarding the non observance of the legal provisions on the financing the political parties is an offence and shall be punished with imprisonment from 1 to 3 years.

(4) The annual report shall be published within the Romania's Official Journal, 1st part, as well as on the Permanent Electoral Authority webpage until the 31st of March of the next year.

(5) The Permanent Electoral Authority can also control the observance of the legal provisions on the financing the political parties when there are some suspicions on breaching the legal provisions on the financing the political parties, either at the request of any interested person, or ex officio.

(6) The results of each control shall be published within the Romania's Official Journal, 1st part, as well as on the Permanent Electoral Authority webpage in a term of 15 days from that control.

ART. 37

The public authorities have the obligation to support the Permanent Electoral Authority when making the control on the financing the political parties.

ART. 38

(1) In a term of 15 days from the date of the elections, the financial manager has the obligation to present the Permanent Electoral Authority a detailed report of the electoral incomes and expenditures for each political party, political alliance, electoral alliance,

organizations of the Romanian citizens belonging to national minorities or independent candidate.

(1¹) After the expiration of the term stipulated at para (1), the Permanent Electoral Authority shall inform the public about the list of the political parties, political alliances, electoral alliances, organizations of the Romanian citizens belonging to national minorities or independent candidates having sent the detailed report of the electoral incomes and expenditures, turn by turn as they are transmitted to the Authority, by successive publishing within the Romania's Official Journal, 1st part.

(2) The reports shall be published by the Permanent Electoral Authority within the Romania's Official Journal, 1st part, in a term of 30 days since the publication of the result of the elections.

(3) The mandates of the candidates who have been declared elected cannot be validated if the detailed report of the electoral incomes and expenditures for each political party or independent candidate has not been sent under the conditions of the law.

ART. 39

(1) For verifying the legality of the cash and payment operations made by the political parties, the Permanent Electoral Authority can request supplementary declarations and documents if necessary

(2) The political parties have the obligation to present the requested documents to the representatives of the Permanent Electoral Authority in a term of 15 days.

(3) In a term of 30 days from receiving the report, or as the case may be, of the supplementary requested documents, the Permanent Electoral Authority shall render a decision on the legality of the electoral accounting books and of the made payments.

(4) If irregularities are found, the sanctions provided by this law shall be applied.

(5) The decision rendered according to the para (3) may be challenged at the competent court under the conditions of the law.

ART. 40

(1) The Permanent Electoral Authority has the obligation to publish on its webpage all the reports which have to be published within the Romania's Official Journal, 1st part according to the art. 4 para (4), art. 9 para. (1) and (2), art. 11 para (3), art. 12 para (3), art. 13 para (4) and art. 38 para (2), as well as the declarations stipulated by art. 23.

(2) The political parties have the obligation to send the data mentioned at para (1) in electronic format.

CHAPTER 6 Sanctions

ART. 41

(1) Breaching the provisions of art. 3 para (2) and (3), art. 4 para (3) and (4), art. 5, 6, 7, 8, 9, art. 10 para (2) and (3), art. 11 para (1) and (3), art. 12 para (1) and (3), art. 13 para (1) and (2), art. 20 para (2), art. 23, art. 24 para (1), art. 25 para (1) and (2), art. 26 para. (1), (2), (3), (7) and (9), art. 29 para (2) - (4) and (6), art. 30 para (2) and (3), art. 31, 38 and art. 39 para (2) shall be deemed contraventions and punished with a fine from 5.000 lei to 25.000 lei.

(2) The sanctions shall be applied, as the case may be, to the political party, the independent candidate, the financial manager and/or the donor who has breached the provisions of para (1).

ART. 42

(1) In the situations mentioned at art 41 para (1), the person who has committed the contravention shall transfer to the state budget the amounts of money and/or the money

value equivalent to the assets and services which were the object of the contravention, on the basis of the decision of the Permanent Electoral Authority.

(2) In the same way, the donations accepted by a political party undergoing dissolution, or by a political party acting on the basis of a modified statute, although the modifications have not been communicated to the Bucharest Tribunal, according to the legal provisions, or the court has rejected the request on the approval of the statute's modification, shall be made revenue at the state budget.

ART. 43

(1) The contraventions stipulated at art 41 are found by the representatives of the Permanent Electoral Authority, and the sanction shall be applied through decision of the Permanent Electoral Authority.

(2) The decision of the Permanent Electoral Authority may be challenged at the competent court, under the conditions of the law.

ART. 44

The provisions of the art 41 and 43 shall be completed with the provisions of the Government Ordinance no. 2/2001 on the juridical regime of the contraventions, approved with amendments through the Law no. 180/2002 , with further amendments.

ART. 45

(1) In a term of 30 days from the date when the court decision on the minute regarding the contravention remained final and irrevocable, or , as the case may be, from the expiration of the term for challenging the minute regarding the contravention, the amounts equivalent to the unpaid fines may be withhold from the monthly instalments which are to be paid as public financing, with the application of the procedure regarding the enforcement of court decision through garnishment, stipulated within the Government Ordinance no. 92/2003 on the Fiscal Procedure Code, republished, with further amendments.

(2) The Ministry of Public Finances, through its authorized bodies, shall inform the Permanent Electoral Authority on the fact that the fines applied by the Permanent Electoral Authority have not been paid within the term provided for in para (1).

ART. 46

(1) In the situation in which, through a final court decision, one or more candidates of a political party who have been declared elected were convicted for an offence related to the financing of the political party or, as the case may be, of the electoral campaign, they become incompatible with the position of parliamentarian or local elected for the obtained mandate, which shall be annulled.

(2) The incompatibility status shall be found through decisions of the Chambers of the Parliament, or as the case may be, of the county or local council, and the vacant positions of deputies, senators or counsellors shall be occupied by the alternate representatives on the list of that political party.

(3) The provisions of para (1) and (2) shall be also applied to the political alliances, electoral alliances and independent candidates, in this situation the vacant position being occupied by the alternate representative of the political party or electoral alliance which has obtained the biggest number of valid votes.

ART. 47

The procedure for the application of the measures within the art 46 shall be mentioned within the Regulations of the Chambers of the Parliament, as well as the regulations of the county and local councils.

CHAPTER 7

Final transitory provisions

ART. 48

The provisions of this law shall be accordingly applied to the organizations of the Romanian citizens belonging to national minorities which are assimilated to the political parties, political alliances, electoral alliances and independent candidates, under the conditions of the electoral law.

ART. 49

(1) The Permanent Electoral Authority keeps a fiscal register of the political parties, political alliances and independent candidates, in which the data on their financial activity, as well as the applied sanctions shall be recorded.

(2) In a term of 120 days from the date of this law's entering into force, the Permanent Electoral Authority shall take over, on a minute basis, the fiscal register from the Court of Accounts.

ART. 50

The Law no. 373/2004*) on the election of the Chamber of Deputies and of the Senate, published in Romania's Official Journal, 1st part, no. 887 on 29th September 2004, with further amendments, is modified as it follows:

1. Article 28, para (2) shall have the following content:

"(2) The organization and functioning of the structures of the Permanent Electoral Authority, the number of positions, the personnel's statute, its attributions and organizational structure shall be settled through the Regulation for the organization and functioning, approved through decision of the permanent offices of the two Chambers of the Parliament, at the proposal of the Permanent Electoral Authority. The personnel of the Permanent Electoral Authority has the same statute as the personnel of the two Chambers of the Parliament. The provisions of the art XVI within the Title III of the Book II in the Law no 161/ 2003 on certain measures for ensuring the transparency in exercising high rank official functions, the public functions and in the business environment, as well as for preventing and sanctioning the corruption, with further amendments shall not be applicable for the organization and functioning of the structures of this authority.

2. Article 29 para (4) shall have the following content:

"(4) In fulfilling its attributions, the Permanent Electoral Authority adopts decisions, resolutions and instructions, which shall be signed by the president and by the vice presidents. The decisions of the Permanent Electoral Authority shall be published in Romania's Official Journal, 1st part, and they are mandatory for all the bodies and authorities having electoral attributions.

*) The Law no. 373/2004 was repealed through the Law no. 35/2008.

ART. 51

The new organizational structure of the Permanent Electoral Authority shall be approved through decision of the permanent offices of the two Chambers of the Parliament, for ensuring the functioning of the Department for the control of financing the political parties and the electoral campaigns and of the specialized department for the allocation of the subsidy from the state budget.

ART. 52

(1) In a term of 90 days from the date of this law's entering into force, the methodological norms for the application of the provisions of this law shall be elaborated and sent for approval by Government Decision, at the proposal of the Permanent Electoral Authority.

(2) The methodological norms shall regulate:

- a) the current accounting of the political parties;
- b) the modalities and the form of registering, keeping the list and publishing the donations, membership fees and other incomes of the political parties;
- c) granting and using the state subsidies;

- d) specific modalities and forms of registering the incomes and expenditures within the electoral campaign ;
- e) the attributions of the financial manager;
- f) the procedure and methodology of the control.

ART. 53 *** Repealed

NOTE:

Here are the provisions of art. IV para (2) – (11) in the Government Emergency Ordinance no. 1/2007, as it was amended by art I of the Emergency Government Ordinance no. 8/2007 and by art II of the Emergency Government Ordinance no. 84/2007.

"(2) The provisions of art. 14 -19 in the Law no. 334/2006, with further amendments, on granting the subsidies from the state budget shall be suspended until 31st December 2007.

(3) In 2007, the political parties shall be granted subsidies from the state budget through the budget of the General Secretariat of the Government, according to the following methodology:

1. The subsidy shall be monthly transferred within the account of each political party through the budget of the General Secretariat of the Government and it shall be distinctly registered within the accounting books. The annual sum allocated to the political parties cannot exceed 0,04% of the incomes provided for the state budget.

2. The political parties which at the beginning of a legislature have representatives in the parliamentary groups, at least in one Chamber, shall receive a basic subsidy. The total amount of the basic subsidies represents 1/3 of the budgetary subsidies allocated to the political parties.

3. The political parties represented within the Parliament also receive a subsidy proportional with the number of the obtained mandates. The total amount for a mandate shall be set up by dividing the rest of 2/3 of the state subsidies for the political parties at the total number of the members of the Parliament.

4. The total subsidy granted from the state budget to a political party, after all these operations, cannot exceed 5 times the basic subsidy.

5. The political parties which don't have parliamentary mandates, but have obtained at most 1% under the electoral threshold, shall receive equal subsidies, established by dividing the unused sum, according to the provisions of point 4, at the number of political parties which are in such situation. The total amount granted to the non parliamentary political parties cannot exceed a basic subsidy.

6. The unused sums after the redistribution, according to the provisions of point 5, shall be divided to the political parties proportionally with the number of their mandates.

7. The unused sums at the end of the financial year shall be carried up for the next year.

(4) The funds allocated through the Law no 486/2006 on the State budget for 2007, with further amendments, for financing the political parties, funds which are mentioned within the budget of the Permanent Electoral Authority, shall be transferred, having the same detination, to the budget of the General Secretariat of the Government.

(5) The Ministry of Public Finances is authorized to introduce at the proposal of the main credits chiefs account the necessary amendments within the structure of the state budget , as well as within the volume and structure of the budget of the General Secretariat of the Government and of the Permanent Electoral Authority.

(6) Until the date of 31st December 2007, the control attributions of the Permanent Electoral Authority, referring to granting the subsidies from the state budget, as well as the control, evidence and sanction attributions referring to the financing of the electoral campaigns, attributions stipulated within the Law no. 334/2006 with further amendments, shall be exercised by the Court of Accounts.

(7) In a term of 15 days from the publishing of the result of the elections, the financial manager appointed according to the Law no. 334/2006, with further amendments, has the obligation to send a detailed report of the electoral incomes and expenditures both to the Permanent Electoral Authority and the Court of Accounts a detailed

(8) For checking the legality of the cash and payment operations made during the electoral campaign, the Court of Accounts can request any supplementary declarations and documents it considers necessary.

(9) In a term of 30 days from receiving the report stipulated at para (7) or, as the case may be, the requested supplementary documents, the Court of Accounts, having the composition mentioned in art 56 of the Law no 94/1992 republished, with further amendments, shall render a decision on the legality of the electoral book keeping and the made payments. If there are some irregularities or breaching of the legal provisions regarding the electoral incomes and expenditures, the Court of Accounts, having the same composition, may decide on the total or partial restitution of the subsidy from the state budget.

(10) The decision rendered by the Court of Accounts, according to the para (8), may be challenged at the High Court of Cassation and Justice, under the conditions of the Law.

(11) The provisions of the para (3) and (4) shall be applied accordingly for the organizations of the Romanian citizens belonging to national minorities."