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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

**(VENICE COMMISSION)**

**DRAFT LAW  
ON POLITICAL PARTIES AND  
SOCIO-POLITICAL ORGANISATIONS  
OF THE REPUBLIC OF MOLDOVA**

The Parliament adopts the present organic law.

## **Chapter I General provisions**

### **Article 1. Definition of a political party and of other socio-political organization**

- (1) Political parties and other socio-political organizations (hereinafter- political parties) shall be voluntary associations of citizens entitled to vote, constituted based on the community of opinions, ideals and objectives, which contribute to defining, expressing the political will of a certain part of the population by legally acquiring, maintaining or influencing state power and participating at the exercise of this power.
- (2) Other socio-political organizations shall be fronts, leagues, mass political movements, etc.
- (3) Political parties shall be non-profit associations and shall acquire the capacity of legal entity at the moment of their registration.

### **Article 2. Legal framework**

- (1) The activity of political parties shall be regulated by the Constitution of the Republic of Moldova, the present law and by other normative acts, as well as international treaties to which the Republic of Moldova is party.
- (2) Political parties shall enjoy own statute and political programme, approved by their supreme steering body.

### **Article 3. Principles of activity**

- (1) The activity of political parties shall be performed in accordance with the principles of lawfulness, transparency, publicity, liberty and independence, voluntary association liberty, equality in rights of members, self-administration and self-management.
- (2) In their activity, political parties shall promote national values and interests, democracy and political pluralism, shall contribute to the political education of citizens and shall encourage their participation to the political life, shall influence the establishment of a public opinion, shall train citizens capable to undertake political responsibility and shall participate at elections, under the terms of the law.
- (3) The activity of political parties based on the principle of unconditioned subordination of party members to the leadership shall be prohibited.
- (4) Political parties shall promote the principle of equality between women and men within all their steering bodies.

**Article 4. Liberty of political parties**

- (1) Political parties shall activate freely and independently.
- (2) Political parties shall be equal before the law and public authorities.
- (3) Political parties shall be free to establish their own internal structure, to choose their objectives, forms and methods of activity.
- (4) The State shall guarantee the respect of rights and legitimate interests of political parties.
- (5) The interference of public authorities and of public officials in the activity of political parties, as well as the interference of the latter in the activity of public authorities and of public officials shall not be accepted, save the cases directly provided for in the law.

**Article 5. Restrictions**

- (1) The exercise of the right to the freedom of association in political parties shall not be subject to any restrictions, save those prescribed by the law, in compliance with generally acknowledged international norms, necessary in the interest of national security, public safety, protection of others rights, freedoms and dignity.
- (2) Political parties, which by their objectives or activity, militate against political pluralism, principles of a state governed by the rule of law, sovereignty and independence, territorial integrity of the Republic of Moldova shall be unconstitutional.
- (3) The establishment and the activity of paramilitary political parties or/and of those aimed to change by means of violence the constitutional regime, to incite to aggression war, national, racial or religious hatred, to incite to discrimination, to militate for authoritarian and totalitarian leadership methods, to make attempts on inherent human rights, to unfold other activities incompatible with the generally acknowledged international law norms shall be prohibited.
- (4) The activity of political parties constituted of foreign citizens and stateless persons shall be prohibited.
- (5) The organization of political parties on confessional criteria shall be prohibited.
- (6) On the territory of the Republic of Moldova, the establishment and the activity of political parties from foreign states, as well as their subdivisions and organizations shall be prohibited.
- (7) The steering bodies of political parties shall have their headquarters on the territory of the Republic of Moldova.

(8) The violation of the provisions set under paragraphs (2)-(5) of the present article shall entail the liquidation of political parties, as provided by the present law.

#### **Article 6. The right to associate in political parties**

(1) The citizens of the Republic of Moldova entitled to vote may freely associate in political parties.

(2) No one may be forced to be or not part of a political party.

(3) Any restriction or differentiation in rights of citizens based on their membership to a political party shall be prohibited.

(4) Any request to indicate membership to a political party in official acts shall be unlawful.

(5) A citizen shall be forbidden to be member simultaneously of two or more political parties.

(6) A citizen may join another political party only after having withdrawn his membership from the party he has previously been member of.

#### **Article 7. Association of political parties**

(1) Political parties may associate, on voluntary basis, in election blocks in order to participate jointly at elections. The election blocks shall be registered by the Central Election Commission under the terms of the Election Code.

(2) Political parties may be members of some international political organizations, may establish international relations and contacts directly with the latter, may sign agreements and may participate at actions which do not run counter the international obligations of the Republic of Moldova.

(3) Political parties shall be forbidden to join foreign organizations the resolutions of which are imperative.

#### **Article 8. Restriction of political activity**

(1) Judges of the Constitutional Court, ombudsmen, magistrates and persons equated to magistrates, members of the Court of Audit, prosecutors and investigators, military and civil personnel of Armed Forces and state security structures, troop and command effective of internal affairs bodies, customs officers, member of the Coordinating Council of Audiovisual, the leadership and specialized personnel of the state press and radio-television, as well as some categories of persons, for whom any political association is forbidden directly by law, shall not be members of a political party and shall not be entitled to perform any political activity.

(2) The persons specified under paragraphs (1) of the present article shall be bound to suspend their membership to any political party for the entire period while holding that position.

(3) The persons who have suspended their membership shall not be entitled to elect or to be elected in the steering bodies of the political party, to vote upon decisions or to carry out the tasks of these bodies.

#### **Article 9. Establishment principle of political parties**

(1) Political parties shall be organized and shall function based on the administrative-territorial criteria.

(2) The establishment of structures of political parties based on the criteria of labor or service place shall be prohibited.

### **Chapter II Establishment of political parties**

#### **Article 10. Initiative group**

(1) In order to convoke the establishment congress of a political party, the initiators of the establishment shall create an initiative group, which shall elaborate the drafts of the political party statute and political programme.

(2) The initiative group shall be entitled to impart information concerning the aim to create the political party, of its programme and statute, which shall be accompanied by the collection of applications of political party's supporters.

(3) Accumulating the number of supporters provided under Article 11 paragraph (2) of the present law, the initiative group shall organize meetings with the supporters in order to elect the delegates at the establishment congress.

(4) At the meeting shall be elected a chairman and a secretary, minutes shall be drawn up, indicating the date of the meeting, the participants, the agenda, the discussed issues and the result of the voting. The minutes shall be signed by the president and counter signed by the secretary.

(5) After the election of delegates, the initiative group shall convoke the establishment congress.

#### **Article 11. Establishment congress**

(1) The establishment congress shall adopt the decision concerning the establishment of the political party, shall approve its denomination, political programme and its statute, shall elect steering and control bodies of the political party.

(2) The political party shall be considered as established in the event when it has at least 5000 supporters, has territorial subdivisions in at least a half of administrative-territorial units of the second level, represented by at least 600 citizens in each of these units.

#### **Article 12. Political programme of the political party**

The political programme of the political party shall determine the political principles, objectives and tasks of the party, the forms and the methods of their implementation.

#### **Article 13. Statute of the political party**

(1) The statute shall establish the organization and functioning manner of the political party and shall mandatory include the following data:

- a) the denomination of the political party, its objectives and means to implement them;
- b) the conditions and the procedure to acquire and cease membership;
- c) the rights and obligations of party members, the amount of affiliation and membership fees;
- d) the manner and the order to form steering and control bodies of the political party, as well as of its territorial subdivisions, their competence and duration of mandate, term and procedure to convoke them, the manner to adopt decisions and the deliberativeness of collegial bodies' sessions;
- e) the procedure to adopt the programme, modifications and amendments to the political party's statute;
- f) the bodies vested to present candidates for local, parliamentary and presidential elections;
- g) funding sources of the political party's property, the procedure to manage and dispose of the party's assets, as well as its registration;
- h) the conditions and the procedure of cessation of political party's activity.

(2) The statute of the political party may prescribe other special conditions regarding its activity, which are not contrary to the provisions of the legislation.

#### **Article 14. Headquarters of the political party**

(1) The headquarters of the political party shall be considered the seat of its permanent steering body.

(2) The information on the headquarters of the political party shall be included in the Register of political parties. The political party shall be bound to present to the Ministry of Justice within 10 days from the moment of changing its headquarters, all necessary documents in order to perform the necessary modifications in the Register.

(3) The acts and the registers concerning the activity of the political party shall be kept mandatory at the headquarters of the party.

**Article 15. Denomination and symbols of the political party**

- (1) Each political party shall have its denomination in the official language.
- (2) Political parties may have as symbols emblems, flags, and pennants. The symbols of political parties shall be approved as provided under the statute and shall be registered according to the provisions of the present law.
- (3) The entire and the abridged denomination and the symbols shall be clearly distinct from the denomination and the symbols of other political parties previously registered.
- (4) The denomination and the symbols of political parties may not reproduce or combine the state symbols of the Republic of Moldova, of other states, historical symbols or denominations of states, symbols of international organizations, of religious cults and of non-commercial associations registered as provided for by the law; save political parties which are members of a political international organization, being entitled to use the symbols of the respective organization as such or in a specific combination. The symbols of a political party shall not serve for the spread of objectives specified under Article 5 para.3 of the present law.

**Article 16. Members of political parties**

- (1) The competent bodies of the political party shall decide upon accepting or withdrawing the membership under the terms of the statute.
- (2) The members of a political party shall be entitled to leave the party at any moment, with immediate effect.
- (3) The membership to a political party shall be personal and inalienable. The members of a political party shall enjoy equal voting rights.
- (4) The supporters, who have participated at the creation of the political party, shall acquire membership on the date of the party's registration.
- (5) Political parties shall guarantee the organization and the performance of keeping record of its members as provided under its statute. At the request of the Minister of Justice, the permanent steering body of the political party shall be bound to present information concerning the number of its members.
- (6) In the event the number of political party's members decreases under the limit established under Article 11 para.2 of the present law, the permanent steering body of the party shall initiate the voluntary liquidation procedure (self-dissolution) of the party.

**Chapter III  
Registration of political parties**

**Article 17. Registration of a political party**

- (1) A political party may carry out its activity only after having been registered.
- (2) The registration of political parties shall be performed by the Ministry of Justice.
- (3) The registration of a political party shall require the presentation of the registration application, along with the following documents:
  - a) two copies of the statute and of the programme;
  - b) the minutes of the establishment congress of the political party;
  - c) the minutes of establishment of territorial organizations;
  - d) list of party's supporters and their requests to join in original version;
  - e) the act concerning the headquarters of the political party;
  - f) the receipt confirming the payment of the registration fee;
  - g) the certificate approving the denomination.
- (4) The registration application of a political party, drawn up according to the sample approved by the Ministry of Justice, shall be signed by the members of the permanent steering body of the party, indicating the residence of each member.
- (5) The minutes of the establishment congress shall contain:
  - a) the date and the place where the congress has taken place;
  - b) the list of participants at the congress, indicating their first and last name;
  - c) information concerning the nominal composition of the working bodies of the congress (presidium, secretariat, validation commission, etc.);
  - d) information concerning the establishment of the political party, approval of the denomination, of the statute and programme;
  - e) information about the persons elected in the control and steering bodies of the political party;
  - f) the essence of decisions adopted and the result of voting;
  - g) the first and last name and the signature of the chairman and of the secretary, responsible for drawing up the minutes.
- (6) The list of party supporters, drawn up based on the requests, shall contain: the first and last name, the birth year, the residence, the series and the number of the Identification act, the signature of the respective party supporter.
- (7) The lists of party members shall be certified by the signature of the political party's leader.
- (8) The lists of party members shall be typed or hand written and saved on a diskette. In case the lists are presented in hand written form, then they shall be written legibly, accurately, with no corrections and erasures.
- (9) The list of party members shall be drawn up separately for each administrative-territorial unit of the second level.



(10) The act certifying the headquarters of the political party shall be the rent contract or the written confirmation of the owner concerning the presentation of the space for the headquarters.

(11) The acts for the registration of the political party shall be submitted to the Ministry of Justice by the leader of the party, during 1 month from the date of the establishment congress.

(12) The acts for the registration of the political party shall be submitted in the official state language.

(13) In the event when several registration applications have been submitted by two or more political parties with the same denomination, priority shall have the party which has submitted first the application.

#### **Article 18. Examination of the acts for the registration of a political party**

(1) During the control of acts submitted for the registration of a political party, there shall be examined the content of the statute, programme and of other establishment documents in the light of:

- a) the compliance with the Constitution of the Republic of Moldova, the present law and other normative acts;
- b) the correctness of the manner the establishment documents have been drawn up in;
- c) the veracity of information contained in the establishment documents;
- d) previous registration of a political party with a similar denomination;
- e) the compliance of the party's denomination with the requirements established under the present law;
- f) meeting the essential conditions for the establishment of a political party.

(2) The control of establishment documents submitted for registration shall be performed by the Ministry of Justice. Within this control, the competent officials of the Ministry of Justice shall be entitled:

- a) to solicit information and explanations from the representatives of the political party, from other persons and bodies, concerning the establishment of the political party;
- b) to present requests to public authorities;
- c) to solicit conclusions of some specialists on issues related to the activity of political parties;
- d) to verify the lists of party supporters;
- e) to verify the authenticity of documents submitted by the political party;
- f) to perform other acts which derive from the requirements of the present law.

#### **Article 19. Verification and calculation of the number of supporters**

(1) If the lists of party supporters are presented with a violation of Article 17 para.6 of the present law or in the event when during their verification are found errors in the information contained in them, the persons concerning whom the errors have been committed or the information which is not complete shall not be taken into consideration when calculating the number of party supporters.

(2) The persons, the signature of whom has been forged or who during the performance of the control have declared their non-membership to the respective political party, shall be excluded from the lists of party supporters.

(3) The persons included on the lists of party supporters in violation with the present law shall be excluded from the lists of party supporters.

(4) In the event when during the verification of party supporters lists, the Ministry of Justice finds that one and the same person is indicated in the lists of two or more political parties, the respective person shall be excluded from the lists of party supporters.

#### **Article 20. Decision to register a political party**

(1) The Minister of Justice during 1 month from the moment when the registration application of a political party has been submitted shall adopt the decision to register the political party or to reject the registration application.

(2) In case the decision to register a political party is adopted, then a registration certificate shall be issued to it, according to the pattern approved by the Ministry of Justice, as well as two copies of the statute and of the programme. The party statutes and programmes shall be certified on the back of their last page by the signature of the official competent to register and by the seal of the Ministry of Justice.

(3) The presence of the political party leader is mandatory when examining the registration of the party.

(4) The information on the registration of a political party shall be published by the Ministry of Justice in the Official Gazette of the Republic of Moldova.

#### **Article 21. Rejecting the registration application**

(1) The registration application of a political party shall be rejected in the event when:

- a) the objectives of the political party run counter the Constitution, the present law and of other normative acts;
- b) previously there has been registered a political party with a similar denomination;
- c) at the establishment of the political party have not been observed the provisions of the present law.

(2) The rejection of the registration application of a political party shall not be accepted for reasons of opportunity.

(3) The decision to reject the registration application of a political party shall be argued and shall be brought to the knowledge of applicants in written form during 3 days from the moment of its adoption.

(4) The decision to reject the registration application of a political party may be challenged before a court of law following the prescribed procedure.

(5) The rejection of a registration application of a political party shall not constitute an obstacle for its repeated submittal, if the circumstances, which served as ground for its rejection, have been removed. The repeated examination of the application shall be performed following the procedure prescribed by Article 18 of the present law, the registration fee being paid.

#### **Article 22. Modifications and amendments to the statute and programme**

(1) The modifications and amendments to the statute and programme of a political party shall enter in force from the date of their registration.

(2) The modification and amendments of the statute and programme of a political party shall be registered under the terms provided for the registration of a political party.

(3) In order to register the modifications, one shall submit the registration application, along with the documents related to the modifications performed in the statute or in the programme.

(4) In the event the registration of modifications and amendments to the statute of a political party entails changing its denomination, objectives, headquarters, the party shall be issued another registration certificate, maintaining the number and the date of its initial registration. The registration certificate previously issued shall be returned to the Ministry of Justice and shall be stored in the party's file.

#### **Article 23. Registration fee**

(1) For the registration of a political party there shall be paid a registration fee of 10 minimal salaries. For the registration of modifications and amendments to the statute and to the programme of a political party shall be paid a registration fee of 3 minimal salaries.

(2) The registration fee shall be transferred to the state budget.

(3) For the registration of modifications and amendments determined by the modification of the legislation, no registration fee shall be paid.

#### **Article 24. Examination of applications to issue duplicates of documents**

(1) In case the original of the registration certificate, of the statute and of the party programme are lost, the Ministry of Justice shall be entitled to issue their duplicates.

(2) For issuing the duplicate, there shall be submitted the following documents:  
a) the application signed by the members of the permanent steering body of the political party;

- b) the copy of the announcement on the loss of the original copy of the registration certificate, published in the Official Gazette of the Republic of Moldova.
- (3) The application to issue the duplicate of the registration certificate and/or of the party statute shall be examined during 1 month.
- (4) The refusal to issue the duplicate shall be brought to the knowledge of the applicant in written form.
- (5) Drawing up duplicates of registration acts, on their first page shall be mentioned "duplicate". The copy of the issued duplicate, as well as the materials that served as ground for their issuing, shall be attached to the registration file of the political party.

**Article 25. Files of political parties**

- (1) The documents related to the registration of political parties shall be organized in separate files, which are permanently stored in the archive of the Ministry of Justice.
- (2) The Ministry of Justice shall issue, at request information and copies of documents from the political party's file.

**Article 26. Register of political parties**

- (1) Based on the decision to register a political party, the political party shall be assigned a registration number and shall be included in the Register of political parties.
- (2) The Register of political parties shall be kept by the Ministry of Justice.
- (3) The Register of political parties shall store and update the following information:
  - a) denomination of a political party;
  - b) date and number of registration;
  - c) headquarters, contact telephone numbers, fax of the political party;
  - d) first and last name, residence, telephone number of the political party leader;
  - e) fiscal code;
  - f) bank account;
  - g) political party's objectives;
  - h) registration date of modification and amendments to the political party's statute;
  - i) information on the symbols of the political party;
  - j) date and reason of political party's liquidation.
- (4) The Register of political parties shall be kept in the official state language. The data shall be included in the Register of political parties in a chronological order. Data shall be included in the Register of political parties according to the provisions of the Law on registers.
- (5) In case the data contained in the Register has changed, political parties shall be bound during 10 days to submit the necessary certifying documents to the Ministry of Justice in order

to perform the relevant modifications. The failure to observe of this obligation shall entail the application of measures prescribed by the present law.

#### **Article 27. Registration of symbols**

- (1) In order to register a symbol, a political party shall submit:
  - a) a registration application of the political party's symbol, signed by the leader of the political party;
  - b) the decision on the approval of the symbol, adopted by the competent body according to the political party's statute;
  - c) the description of the symbol;
  - d) the graphic representation of the symbol.
- (2) The registration application of the political party's symbol shall be examined during 1 month. Following the examination of the application, the decision to register the political party's symbol or to reject the registration application shall be adopted.
- (3) The information on the registration of political parties' symbols shall be included in the Register of political parties.

#### **Article 28. Rejection of the application to register symbols**

- (1) The decision to reject the registration application of a political party symbol shall be adopted in event when the symbol:
  - a) is identical to a previously registered symbol;
  - b) represents the state Coat of Arms, official and historical flags and denominations of states, decorations, seals and other distinctive signs of this kind;
  - c) contains first and last names, portraits of some persons without their consent;
  - d) is contrary by its content to the principles of morals.
- (2) The argued decision to reject the registration application of a political party's symbol shall be brought to the knowledge of applicants in written form during 3 days and may be challenged before a court of law following the procedure prescribed by the law.

### **Chapter IV Activity of political parties**

#### **Article 29. Rights of political parties**

According to the provisions of the present law and of other regulations in force, in order to attain the statute and programme objectives and tasks, the political parties shall be entitled:

- a) to freely impart information on their activity;
- b) to participate, independently or in election blocks, at local, parliamentary and presidential elections, to express their options within Republican and local referendums, according to the Elections Code provisions;

- c) to organize and to participate, under the terms of the law, at meetings, demonstrations, manifestations, processions and other peaceful assemblies;
- d) to establish and to make use of own periodicals and to carry out editorial activity according to the legislation;
- e) to rent own rooms for conferences, symposiums, seminars and socio-political activities;
- f) to perform or to participate at publishing, selling or distribution of publications or other propaganda and own political culture materials;
- g) to participate at cultural, sport and entertaining activities and manifestations;
- h) to represent and to defend the legitimate interests of its members in relation with public authorities and their representatives;
- i) to obtain from public authorities information necessary for performing their statute activity;
- j) to exercise other rights provided under the present law and other regulations in force.

### **Article 30. Obligations of political parties**

Political parties shall be bound:

- a) to observe the Constitution and the legislation of the Republic of Moldova, the norms of international law and their own statute provisions;
- b) to perform necessary modifications in their establishment and activity acts, in the event of the legislation modification or of the assertion of non-compliance of these documents with the legislation;
- c) within a month from the moment of their registration, to submit to the Ministry of Justice the document certifying their opening of a bank account;
- d) to present to financial control bodies the report on the financial activity of the political party in the terms and in the manner prescribed by the law.

### **Article 31. Steering bodies of a political party**

- (1) The supreme steering body of a political party shall be its congress.
- (2) At the congress shall participate delegates elected by territorial organizations of the political party, according to the procedure and the representation norms established in the political party's statute.
- (3) The congress shall be convoked by the body vested under the statute, at least once every 4 years.
- (4) The extraordinary assembly of the congress shall be performed as provided under the statute.
- (5) The political party shall have permanent steering bodies, constituted according to the provisions of the statute.

(6) The failure to convoke the congress during 4 years may serve as ground to forcedly liquidate the political party.

**Article 32. Mediation between the steering bodies and the members of a political party**

(1) In order to settle the disputes arisen among the members of a political party, between the members of a political party and the steering bodies, as well as between the leadership of territorial organizations of a political party, there may be established mediation commissions at the level of the political party and of its territorial organizations.

(2) The members of the mediation commission shall be elected by the congress for maximum 4 years, as provided by the political party's statute.

(3) The mediation commission shall activate based on a regulation, which has to guarantee to parties, the right to be heard and fair procedures of decision adoption.

(4) The decisions of mediation commissions adopted according to the provisions of the statute shall be enforceable for parties.

**Article 33. Steering and mediation bodies of territorial organizations**

The steering and mediation bodies of territorial organizations of political parties, their manner of establishment, convoking and activity shall be prescribed by the political party's statute.

**Article 34. Designation of political parties and election blocks candidates during election campaigns**

The candidates of political parties during election campaign shall be designated by means of the adoption of a decision taken as follows:

- a) in case of presidential and parliamentary elections- by the political party congress;
- b) in case of general and partial local elections- by the respective steering body of the political party's territorial organization.

**Article 35. Control bodies of political parties**

(1) Political parties shall create censors commissions according to the provisions of the statute. The censors shall be appointed from among the members of the political party by the supreme steering bodies of the political party.

(2) The following persons shall not be censors, and if appointed, shall cease their quality of member of the censors' commission:

- a) spouses, affinity related persons and relatives of the first and second degree of members of the permanent steering body;
- b) persons which receive, under any form, for other positions than that of a censor a salary or another remuneration from the political party they are censors at;
- c) persons with unextinguished criminal offences/record;

- d) other persons under the terms of the statute.
- (3) The steering body of the political party shall not approve the balance sheet and income statement unless these are accompanied by the report of the censors commission.
- (4) The censors shall bring to the knowledge of the steering bodies of political parties the deficiencies and the violations of the legal or statute provisions they find.
- (5) The censors shall present annually to the steering bodies of political parties report on the performed activity.
- (6) The censors shall participate, without having the right to vote, at the sessions of the steering bodies of the political party.
- (7) The deliberations and the findings performed by the censors in the exercise of their mandate shall be registered in a special register.
- (8) While deliberating, the censors may express dissenting opinions, which shall be attached to the reports to be presented to the steering bodies of the political party.
- (9) The dismissal of censors shall be performed by the supreme steering bodies of political parties as provided under the statute.

#### **Article 36. Rights and obligations of censors**

- (1) The censors shall be entitled:
- a) to monitor the observance of legal and statute provisions;
  - b) to application the assembly of the steering bodies in an ordinary or extraordinary session, if these have not been convoked in the established manner;
  - c) to participate at ordinary and extraordinary sessions of steering bodies of political parties;
  - d) to solicit the insertion in the agenda of proposals considered necessary.
- (2) The censors shall be bound to monitor and to verify the entire management of the political party's assets, to regularly keep registers. Nevertheless, along with the proposals considered necessary, the censors shall present to steering bodies of the political party a detailed report.
- (3) Other rights of censors shall be prescribed by the statute or by the regulation on the censors' commission.

### **Chapter V Funding the activity of political parties**

#### **Article 37. Funding sources of political parties**

- (1) The funding sources of political parties shall be the following:



- a) affiliation fees;
- b) membership fees;
- c) donations of natural persons and legal entities;
- d) means obtained from its own activity;
- e) means obtained from the activity of legal entities created by political parties;
- f) means obtained from using political party's assets.

(2) Cash receipt and payment operations of the political party shall be performed exclusively by means of bank accounts opened in the banks activating on the territory of the Republic of Moldova.

(3) Political parties shall not be entitled to open accounts in foreign banks or their representatives in the Republic of Moldova.

#### **Article 38. Affiliation and membership fee**

(1) The affiliation fee shall represent a unique financial contribution, amounting as provided under the political party's statute and shall be paid by each person when joining the political party.

(2) The membership fee shall represent a monthly contribution paid by each member of the political party, amounting as provided under its statute.

(3) The affiliation and membership fees shall be irrevocable and constitute the property of the political party.

#### **Article 39. Donations of natural persons and legal entities**

(1) The donations of natural persons and legal entities shall be voluntary financial and/or material contributions, granted to the political party both by its members and by its supporters in order to promote the activity of the political party.

(2) The donations of goods or money shall be performed based on a donation contract drawn up as prescribed by law.

(3) The transfer of financial donations shall be performed by means of disbursement of financial means on the bank account of the political party.

(4) The transfer of material donations shall be performed based on an act of goods acceptance.

#### **Article 40. Means obtained from own activity**

The means obtained from its own activity shall be the funds originating from the organization of conferences, festivals, expositions, courses in order to attain the programme and statute objectives.

**Article 41. Means obtained from the activity of legal entities**

- (1) The means obtained from the activity of legal entities founded by the political party, under the terms of the law, shall be those from the activity of:
- a) periodical publications in order to disseminate information on the political party's activity, to promote the objectives and the programme of the political party, as well as to examine socio-political issues;
  - b) printing houses established in order to print socio-political publications and polygraphic articles with the political party's symbols (billboards, calendars, labels, etc.);
  - c) production companies of goods bearing the political party's symbols (T-shirts, caps, badges, pens, flags, pennants).
- (2) The means obtained from the activity of legal entities founded by political parties shall not be distributed to its members and shall be used exclusively for implementing the statute provisions.

**Article 42. Means obtained from using political party's assets**

The political party may obtain revenues from renting or selling goods, which it owns as provided under the law.

**Article 43. Means obtained from the state budget**

Political parties shall be entitled to get state budget loans under the terms of the law.

**Article 44. Use of political party's financial means**

- (1) The financial means of the political party, obtained under the terms, in the manner and order prescribed by the present law, may be used exclusively for pursuing statute tasks, carrying out of own activities, founding of legal entities provided under Article 41 paragraph 1 of the present law and securing their activity.
- (2) The use of revenues for charity shall be accepted independently from the statute provisions, save the period of election campaigns, when this activity is prohibited.
- (3) The members of political parties shall not be entitled to the revenues and the assets of the political party and shall not be responsible for its debts.
- (4) The sources specified under Article 37 paragraph 1 of the present law shall be used according to the decision of steering bodies of the political party under the terms of the statute.

**Article 45. Restrictions concerning the funding of political parties**

- (1) There shall be prohibited the funding of political parties, of its members, of legal entities founded by political parties, as well as the transfer of goods to them from:

- a) foreign states, foreign natural persons and legal entities; and stateless persons;
  - b) state authorities, state, companies, organizations and institutions;
  - c) joint ventures, if the state or a foreign founder holds a share from the corporate capital;
  - d) public associations, foundations, trade unions, employers' union, religious organizations;
  - e) unidentified or anonymous persons.
- (2) The payment of debts and expenditures of the political party and the disbursement of other payments on behalf of the political party by a third party shall be prohibited.
- (3) The use of financial means obtained under the terms, in the manner and order prescribed by the present law until they are recorded on the balance sheet of the political party shall be prohibited.
- (4) The use of financial means for the procurement of electors' votes and for carrying out charity activities during election campaigns shall be prohibited.
- (5) The financial means obtained and/or used contrary to the provisions of the present law shall pass to the state budget by means of a court judgment, at the request of the Minister of Justice or of Prosecutor General. In case of lacking financial means, their equivalent shall pass to the state budget.
- (6) In case of obtaining or using financial means contrary to the provisions of the present law, the Minister of Justice shall be entitled to adopt the decision to cancel the political party's registration, which may be challenged before a court following the procedure prescribed by the law.

#### **Article 46. Property of a political party**

- (1) Political parties may own buildings, equipment transportation means, as well as other material assets not forbidden by the law, necessary exclusively for pursuing the statute tasks. The right to property of political parties shall be regulated by the legislation.
- (2) Political parties shall be entitled to benefit from buildings and other goods according to the renting contracts signed with natural persons and/or legal entities, under the terms prescribed by the law.
- (2) Political parties shall not own land, save the land adjacent to buildings.
- (4) Political parties shall be forbidden to own, store, keep or transport armament, explosives and other materials presenting jeopardy for the life and health of citizens. In case of finding these circumstances, the forbidden goods shall pass in favor of the state based on a court judgment, at the request of the Ministry of Justice or of Prosecutor General.

**Article 47. Accounting for political party's assets**

- (1) Political parties shall be bound to keep accounting records according to the legislation in force.
- (2) The accounting for political party's assets, financial means and for their use shall lie on the political party leader.
- (3) The accounting documents of the political party shall contain mandatory all data necessary for the identification of the funding source and the manner to obtain it, as well as for the identification of goals, date, and amount in which these financial means have been used.
- (4) The leader of the political party shall be bound to assure the storage of these documents and their presentation in the event of a control performed by vested persons. The failure to indicate in accounting documents necessary data, the failure to assure their integrity or/and the failure to present them in the event of a control performed by vested persons shall equate to the fact of obtaining and/or using financial means and/or assets from an unidentifiable (anonymous) source, fact which entails the consequences provided under Article 45 para.5 of the present law.

**Article 48. Transparency of the financial activity of political parties**

- (1) In order to insure the transparency of the financial activity of political parties, the latter shall be bound until March 31<sup>st</sup> of the following year to publish in the periodical press annual reports on the source of revenues, obtained funds and their use.
- (2) The copies of reports and the list of donors, indicating the donated funds, shall be presented to the Ministry of Justice until April 15<sup>th</sup> of the following year.
- (3) The observance of these requirements shall lie upon the political party leader.

**Chapter VI**  
**Control of political parties' activity**

**Article 49. Control of political parties' activity**

- (1) The control of political parties activity shall be performed by the Ministry of Justice supervisors, at the disposal of the Minister of Justice or according to a plan adopted by themselves.
- (2) The monitoring on the observance of the legislation by political parties shall be exercised according to the legislation in force.
- (3) For the performance of the control, the supervisors shall be entitled:
  - a) to solicit the presentation of written explanations from the political party leadership and members;

- b) to appoint and to organize the review of documents;
  - c) to solicit from the State Fiscal Inspectorate the performance of the control on the observance of tax legislation;
  - d) to solicit from the Customs Control Department the performance of the control on the observance of customs legislation;
  - e) to receive from all natural persons and legal entities information necessary for the performance of the control;
  - f) to solicit from political parties copies and/or, if necessary, the originals of necessary documents;
  - g) to assist at manifestations unfolded by political parties;
  - h) to perform other actions related to the exercise of control and analysis functions.
- (4) The leader of the political party shall be bound to provide the vested supervisors with all documents necessary for performing the control.
- (5) The Ministry of Justice, with the mutual consent of Prosecutor General, shall be entitled to create groups of supervisors from among persons vested by the Ministry of Justice and from among Public Prosecution officers, in order to perform the control in cases not suffering any delay, in cases of an increased workload or when, following the control, there a need to take criminal procedure actions.
- (6) Following the control, the supervisors shall draw up an act to be presented to the Ministry of Justice. When the control has been performed under the terms of para.5 of the present article, then the acts shall be presented to Prosecutor General. The copy of the act shall be handed to the leader of the political party subject to control.
- (7) Depending on the severeness of legislation violations found during the control, the Minister of Justice may adopt one of the following decisions:
- a) warning;
  - b) request to remove the committed violations;
  - c) request to remove committed violations with the suspension of political party's activity;
  - d) canceling the political party's registration;
  - e) notification to the Constitutional Court on the constitutionality of the political party, based on a decision of the Ministry of Justice Board;
  - f) instituting legal proceedings before a court concerning the transfer in favor of the state of financial means and assets of the political party obtained and/or used contrary to the provisions of the present law.

#### **Article 50. Conflict of interests**

- (1) The conflict of interest shall represent the situation when the implementation of political party's statute and programme provisions may come or comes in contradiction with the objective of obtaining financial and material means.

(2) Avoiding and/or removing the conflict of interest, real or apparent, which derives from the financial activity of the political party, shall lie on the latter.

(3) In order to avoid and/or exclude the conflict of interests, the political party and/or its representatives in public authorities shall be prohibited to promote in state positions persons which have contributed financially to the political party's activity, exceeding the limit provided in the present law.

(4) Including on the lists of candidates at elections of persons specified under para.3 of the present article shall be forbidden.

## **Chapter VII** **Suspension and cessation of political parties activity**

### **Article 51. Suspension of political party's activity**

(1) The suspension of a political party's activity shall represent the temporary limitation of its activity for a certain period of time, determined by the Ministry of Justice, and necessary for removing the violations of the legislation found within the activity of the political party.

(2) The suspension of a political party's activity shall be applied based on a written order of the Minister of Justice, indicating the violations of the legislation committed by the political party.

(3) The activity of a political party may be suspended for 3 months. In event of failure to remove the found violations or their partial removal, the suspension term of the activity may be prolonged up till 6 months.

(4) In the event of failure to remove the found violations during 6 months, the Minister of Justice shall cancel the decision to register the political party.

(5) During the suspension of the political party's activity, it shall be forbidden to resort to mass-media, to make propaganda and incitement, to participate at elections, to make use of financial means from its bank account and to perform other transaction related to assets.

(6) The order to suspend the political party's activity shall be enforceable for all organizations, institutions, and companies.

(7) The order to suspend the political party's activity may be challenged by the political party before a court.

(8) After having removed the violations invoked in the order to suspend the political party's activity, the latter shall inform the Minister of Justice, who shall examine the veracity of the submitted information and, if it is confirmed, shall authorize the resumption of the political party's activity.

**Article 52. Cessation of political party's activity**

- (1) A political party shall cease its activity in case of voluntary or forced liquidation.
- (2) The cessation procedure of the political party's activity by voluntary liquidation (self-dissolution) shall be prescribed by the political party's statute and shall be performed under the terms provided by it. In case of adopting a decision of voluntary liquidation (self-dissolution) of the political party, the permanent steering body shall inform immediately about it the Ministry of Justice, which shall indicate in the Register of political parties the initiation of the liquidation procedure.
- (3) The forced liquidation of a political party shall take place based on the decision of the Minister of Justice to cancel its registration in the event of finding violations of the present law provisions.
- (4) The decisions of the Minister of Justice to cancel the registration of the political party may be challenged by the political party before a court.
- (5) A political party shall cease its activity after the completion of the liquidation procedure and its deletion from the Register of political parties.

**Article 53. Declaring a political party as unconstitutional**

- (1) A political party which violates the provisions of article 41 paragraph 4 of the Constitution and Article 5 para.2 of the present law shall be declared as unconstitutional by the Constitutional Court, when being notified by the subject provided under Article 38 paragraph 2 let. d) of the Code of constitutional jurisdiction.
- (2) The declaration of a political party as unconstitutional shall entail its liquidation according to the procedures prescribed by the present law.

**Article 54. Liquidation procedure of a political party**

- (1) In the event of cessation of a political party's activity, the latter shall be bound to undergo the liquidation procedure. This procedure shall be performed by the liquidation commission.
- (2) In the event of a voluntary liquidation (self-dissolution) of a political party, the liquidation commission shall be designated by the party's supreme steering body, and in the event of a forced liquidation - by the Minister of Justice. In the event of a forced liquidation, the liquidation commission shall include also representatives of the political party.
- (3) The liquidation commission shall be bound to publish in the Official Gazette an announcement about the liquidation of the political party, which shall contain:
  - a) the political party's denomination and the reason of liquidation;

- b) the name of the liquidation commission chairman, its headquarters and its telephone number;
  - c) an invitation of creditors to present proof of their debts;
  - d) the deadline for presenting debts by creditors.
- (4) The known creditors shall be invited by means of individual notifications.
- (5) The debts of creditors shall be presented within 1 month.
- (6) After being designated, the liquidation commission shall be bound immediately to draft the stock taking list of political party's patrimony, indicating exactly assets and liability; the list shall be signed by the members of the liquidation commission and by the members of the permanent steering body.
- (7) The members of the liquidation commission shall be bound to continue the on-going transactions, to pay the debts to creditors, and if there is no sufficient cash to pay all debts, they shall be entitled to sell the political party's assets.
- (8) The members of the liquidation commission shall be responsible before the political party and before third parties for the damage caused from their fault.

**Article 55. Liquidation balance sheet**

- (1) After the termination of the liquidation procedure of a political party, the liquidation commission shall be bound to draft the liquidation balance sheet and to present it for approval to the permanent steering body of the political party.
- (2) After its approval, the balance sheet shall be submitted to the Fiscal Inspectorate for verification and confirmation of veracity.
- (3) The liquidation balance sheet of a political party shall be made public.

**Article 56. Destination of assets**

- (1) In the event of a voluntary liquidation, the political party's assets left after having paid the creditors and performed the necessary payments, shall be used for charity or for the implementation of statute objectives; and in the event of a forced liquidation, the political party's assets shall be transferred in the favor of the state.
- (2) The fiscal inspectorate shall issue to the liquidation commission a certificate concerning the use of assets according to the provisions of para.1 of the present article.

**Article 57. Deletion from the Register of political parties**

- (1) The Minister of Justice shall perform the deletion from the Register of political parties of the political party undergoing liquidation, based on the following documents:



- a) request to delete the political party;
  - b) a document certifying the performance of obligatory payments to the state budget, as well as concerning the use of the assets according to the provisions of Article 56 para.1 of the present law, issues by the Fiscal Inspectorate;
  - c) registration certificate and original copy of establishment documents;
  - d) certificate confirming that political party's documents have been submitted to the state archive;
  - e) an act regarding the transfer of seals to be destroyed, issued by the competent police body;
  - f) a copy of the announcement about the liquidation of the political party, published in the Official Gazette of the Republic of Moldova.
- (2) The documents mentioned under para.1 of the present article shall be submitted to the Ministry of Justice by the chairman of the permanent steering body of the political party and by the chairman of the liquidation commission.
- (3) The obligations of the permanent steering body and of the liquidation commission shall cease from the moment when the listed documents have been submitted.

## **Chapter VIII**

### **Final and transitory provisions**

#### **Article 58**

- (1) The present law shall enter in force on the date of its publication. The applications pending examination at the date of the entry in force of the present law shall be considered in compliance with its provisions.
- (2) The political parties and socio-political organization existent at the date when the present law enters in force shall continue to function based on the legal registration acts.

#### **Article 59**

- (1) At the moment of entry in force of the present law, there shall be repealed:
- Law no. 718-XII of 17 September 1991 on political parties and socio-political organizations (Official Gazette, 1991, no.11-12, part I, art.106);
  - Law no. 1615-XII of 19 October 1993 for the modification and amendment of the Law on political parties and socio-political organizations (Official Gazette of the Parliament of the Republic of Moldova, 1993, no.10, part I, art. 292);
  - Art. II of the Law no.788-XIII of 26 March 1996 for the modification and amendment of some legislative acts (Official Gazette of the Republic of Moldova, 1996, no.40-41, art.367);
  - Art. IV of the Law no.18-XIV of 14 May 1998 for the modification and amendment of some legislative acts (Official Gazette of the Republic of Moldova, 1998, no.60-61, art.411);

- Law no.146-XIV of 30 September 1998 for the modification and amendment of the Law on political parties and socio-political organizations (Official Gazette of the Republic of Moldova, 1998, no.100-102, art.613);
- Law no.367-XIV of 29 April 1999 for the modification of Article 5 of the Law on political parties and socio-political organizations (Official Gazette of the Republic of Moldova, 1999, no.53-54, art.247);
- Law no.788-XIV of 3 February 2000 for the modification of the Law on political parties and socio-political organizations (Official Gazette of the Republic of Moldova, 2000, no.19-20, art.108);
- Law no.795-XIV of 10 February 2000 for the modification and amendment of the Law on political parties and socio-political organizations (Official Gazette of the Republic of Moldova, 2000, no.39-41, art.284).

(3) The Government:

- during 5 months shall submit to Parliament proposals for the modification of the legislation in force;
- during 1 month shall institute within the Ministry of Justice the control service and shall insure the organization of its activity;
- during 2 months shall bring its normative acts in compliance with the present law.