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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

**DRAFT OPINION
ON THE PROHIBITION OF DONATIONS
TO POLITICAL PARTIES FROM FOREIGN SOURCES**

On the basis of comments by

Mr Kęstutis LAPINSKAS (Member, Lithuania)

Mr Hans-Heinrich VOGEL (Member, Sweden)

I. Introduction

1. *On 13 December 2005 the Registry of the European Court on Human rights (ECHR) requested the Venice Commission to prepare an opinion on the problem of parties receiving financial contribution from abroad. The request consists of two questions:*

1. Is the financing of political parties by foreign political parties commonly prohibited or limited by the Member States of the Council of Europe? If this is the case, which of those countries adopted such a measure?

2. To what extent may the prohibition of a foreign political party financing a political party be considered as “necessary in a democratic society” under Article 11 of the Convention? Is it necessary, in this case, to adopt a specific approach concerning the financing of a political party established in a member country of the EU by a party established in another member state of the EU?

2. *The Venice Commission asked Messrs K. Lapinskas and H-H. Vogel to prepare a reply to the above request.*

3. *The following opinion is based on national legislation, the previous reports of the Venice Commission on political parties¹ and other research materials focussing on the problem of financing of political parties. Part of the information is based on sources from the Internet.*

4. *The following text was adopted by the Venice Commission at its ... plenary session (Venice, ... March 2006).*

II. Legal regulations on the prohibition to finance political parties by foreign political parties in the member states of the Council of Europe

a. National legislation on financing of political parties.

5. The research conducted by the rapporteurs shows that 27 Member States of the Council of Europe prohibit foreign donations to political parties and 17 do not impose such restrictions^{2[1]} (see table below). The Annex 1 to this opinion provides a more detailed information on this issue.

¹ CDL-INF(2000)001 - Guidelines on prohibition and dissolution of political parties and analogous measures adopted by the Venice Commission at its 41st plenary session (Venice, 10 – 11 December, 1999).

CDL-INF(2001)007 - Guidelines and Report on the Financing of Political Parties: adopted by the Venice Commission at its 46th Plenary Meeting, (Venice, 9-10 March 2001).

CDL-AD(2004)007rev - Guidelines and Explanatory Report on Legislation on Political Parties: some specific issues, adopted by the Venice Commission at its 58th Plenary Session (Venice, 12-13 March 2004).

² ^[1] No reliable data were found on the situation in Liechtenstein and Monaco.

6. Regulations on political parties differ substantially from one country to another. Legislative framework for parties as a specific type of associations is largely based on national history, political tradition and practice and it is very hard to draw unambiguous and blank conclusions on advantages and disadvantages of each system.

7. For example, in old democracies one can find a big range of approaches to financing of parties: from total absence of regulations on financing of political parties (like, for example, in Switzerland) to specifically established ban of foreign contributions and donations, like in France (*“Aucun candidat ne peut recevoir, directement ou indirectement, pour quelque dépense que ce soit, des contributions ou aides matérielles d'un Etat étranger ou d'une personne morale de droit étranger”* (Code électoral (2005), Article L52-8)). Some countries while prohibiting such donations in principle make specific exceptions, and allow financing from abroad if they come from Member States of the European Union (EU). For example, such exceptions exist in Spanish legislation (*donations to political parties by other states or other public foreign organs are forbidden, with the exception of subsidies given by the European Parliament*) in Germany (*“Parties are not allowed to accept the following donations: <...> 3. Donations from outside the area of application of this Law unless these donations accrue to a party directly from the assets of a German citizen as defined by the Basic Law, a citizen of the European Union or a business enterprise more than 50 per cent of whose shares are owned by Germans as defined by the Basic Law or by a citizen of the European Union or whose principal residence is located in a member state of the European Union; they are donations to parties of national minorities in their ancestral country which are granted to them from states bordering on the Federal Republic of Germany and in which members of their ethnic community live, or they are donations of no more than 1,000 euros from an alien”* (The Law on Political Parties (Party Law) (2002), Article 25), and partly – in UK (exception for Northern Ireland)). Another approach in limiting funding from abroad is to have voluntary obligations for parties not to accept any donations from any corporate bodies (like in Sweden). In such countries as Cyprus or Malta foreign donations are not prohibited.

8. Legal regulations in Central and Eastern Europe are also very diverse. One can say that due to their recent history, most of the countries of this geographic area are sensitive to external political influence. For this reason the process of nation-state building or liberalisation leads to particular regulations concerning the funding of political forces from foreign sources. Regulations concerning foreign contributions are mostly restrictive and prohibitive, i. e. they limit foreign donations in both quantitative and qualitative terms. This is especially true for new democratic countries, emerged in the post-soviet space, like Armenia, Azerbaijan, Georgia and Moldova. The Russian Federation also prohibits any kind of foreign contributions to its political parties.

9. Nevertheless there are some exceptions, especially in Central Europe: foreign donations are not prohibited in Bosnia and Herzegovina (the important role of international assistance in the post-war restructuring of Bosnia and Herzegovina explains this exception), Czech Republic and Hungary.

10. In some countries the situation is currently changing because of the integration into EU. For example, on 23 August 2004 the Lithuanian parliament adopted the new Law on Financing and Financial Control of Political Parties and Political Campaigns, according to which the ban on donations coming from abroad was partially lifted: the private legal entities of NATO or EU Member States, which are registered in Lithuania, were provided with the right to finance political parties. According to the new Law, the financing sources of political

parties are membership fees, state subsidies, income from other activities of the political party, contributions from international organisations (to which Lithuania or a Lithuanian political party is a member) and donations (Article 7). According to Article 12 the only subjects entitled to provide donations to political parties are natural persons (citizens of Lithuania, citizens of another EU member state permanently residing in Lithuania, other permanent residents of Lithuania and persons without citizenship) and legal entities (private legal entities, which are registered in Lithuania and which do not have state or municipality participation in their capital, or private legal entities of NATO or EU member states registered in Lithuania). There is a similar tendency in a number of other new Member States of the EU.

11. The following table illustrates the existence of formal prohibition of foreign donations (including donations by foreign states, foreign citizens and foreign legal persons).

Member state of CE / Prohibition on foreign donations (including donations by foreign moral and legal persons)

1	Albania	+
2	Andorra	+
3	Armenia	+
4	Austria	-
5	Azerbaijan	+
6	Belgium	-
7	Bosnia and Herzegovina	-
8	Bulgaria	+
9	Croatia	+
		<i>(but it is easy to avoid this ban on foreign donations)</i>
10	Cyprus	-
11	Czech Republic	-
12	Denmark	-
13	Estonia	+
14	Finland	-
15	France	+
16	Georgia	+
17	Germany	+
		<i>(except donations from EU; donations less than 1000 €)</i>
18	Greece	+
19	Hungary	-
20	Iceland	+
21	Ireland	+
22	Italy	-
23	Latvia	+
24	Liechtenstein	n.d.
25	Lithuania	+
		<i>(except legal persons of EU and NATO member states, registered in Lithuania)</i>
26	Luxembourg	-
27	Malta	-
28	Moldova	+
29	Monaco	n.d.

30	Netherlands	-
31	Norway	-
32	Poland	+
33	Portugal	+
34	Romania	+
		<i>(except material goods from umbrella international political organizations)</i>
35	Russian Federation	+
36	San Marino	-
37	Serbia and Montenegro	+
38	Slovakia	+
39	Slovenia	+
40	Spain	-
		<i>(prohibition applies only to foreign states and public foreign organs, except EU institutions)</i>
41	Sweden	-
42	Switzerland	-
		<i>(no regulations at all)</i>
43	The former Yugoslav Republic of Macedonia	+
44	Turkey	+
45	Ukraine	+
46	United Kingdom	+
		<i>(except Northern Ireland)</i>

Ban	Number of states	%
+	27	58,7
-	17	37,0
n.d.	2	4,3

b. Conclusion.

12. Having considered the above data the Commission comes to a conclusion that each case has to be considered separately with adequate accuracy and with regard to the political system of a particular country, its relations within neighbours, its Constitution and constitutional values, the general system of financing of political parties as well as to widely accepted international or regional legal texts and standards, like, for example, Article 11 of the ECHR.

III. Legal analysis of the problem as to what extent may the prohibition of a foreign political party financing a political party be considered as “necessary in a democratic society” under Article 11 of the Convention.

13. First of all it should be mentioned that at its 46th Plenary Meeting (9-10 March 2001) the Venice Commission adopted the “Guidelines and Report on the Financing of Political Parties” (CDL-INF (2001) 8), according to which political parties may seek out and receive funds by means of public or private financing, so political parties may receive private financial donations, but “*donations from foreign States or enterprises must however be prohibited*”. This prohibition should not prevent financial donations from nationals living abroad.

14. On 8 April 2003 the Committee of Ministers of the Council of Europe adopted Recommendation Rec (2003) 4 “On Common Rules Against Corruption in the Funding of Political Parties and Electoral Campaigns”, Article 7 of which it was provided that “*states should specifically limit, prohibit or otherwise regulate donations from foreign donors*”.

15. In many countries political parties suffer from corruption. Therefore Transparency International has also been involved in standard setting and in 2004 it issued the “TI Standards on Political Finance and Favours”. The 4th standard is related with diversity of income and spending limits: “*careful consideration should be given to the benefits of state funding of parties and candidates and to the encouragement of citizens’ participation through small donations and membership fees. Consideration should also be given to limiting corporate and foreign support, as well as large individual donations. To control the demand for political financing, mechanisms such as spending limits and subsidised access to the media should be considered*”.

16. It is widely recognised that human rights and freedoms constitute a single and harmonious system. The Convention and national constitutions consolidate the concept of human rights and freedoms, where the rights and freedoms of any person are interlinked with rights and freedoms of other individuals. When exercising his/her rights and freedoms, the human being must observe the basic legal documents (Convention, national constitutions) and must not impair the rights and freedoms of other people. Very often conflicts and sometimes even contradictions arise between, the rights and freedoms of an individual and the interests of the society . Such contradictions in a democratic state are resolved by harmonising different

interests and striving not to disturb their balance; one of the ways to harmonise the interests is a restriction of implementation of human rights and freedoms.

17. The principle of recognition of the innate nature of human rights and freedoms does not deny the fact that implementation of human rights and freedoms may be restricted. In general it is permitted to restrict the rights and freedoms of individuals if the following conditions are observed: they are imposed by law; they are necessary in the democratic society in order to protect the rights and freedoms of other persons as well as the values enshrined in some fundamental legal documents (ECHR, national constitution) and pursue concrete constitutionally important objectives; these restrictions do not deny the nature and essence of the rights and freedoms; the constitutional principle of proportionality is respected.

18. While looking for the answer to the question whether a concrete restriction is indispensable in a democratic society, the first step is to find out the aims and purpose of the restriction, and the second one is to find out whether the means of the restriction are proportionate to the legitimate aim.

19. The validity of restrictions of a fundamental right or freedom should be assessed by the criteria of common sense and of evident necessity, it must be in compliance with the concept and requirements of justice and the possibilities and conditions of its restriction established in the national constitution and the ECHR. Any restriction of fundamental rights and freedoms is to be linked with the rational relation guaranteeing that the limitations will not violate the essence of the respective human right.

20. The general principles of the content of notion “necessary in a democratic society” in the ECHR case-law are described in a recent judgement of the Court of Human Rights of 19 January 2006 *The United Macedonian Organisation Ilinden and others v. Bulgaria* (Application no. 59491/00):

“57. The right to form an association is an inherent part of the right set forth in Article 11. (...) The way in which national legislation enshrines this freedom and its practical application by the authorities reveal the state of democracy in the country concerned. Certainly States have a right to satisfy themselves that an association’s aim and activities are in conformity with the rules laid down in legislation, but they must do so in a manner compatible with their obligations under the Convention and subject to review by the Convention institutions (see Sidiropoulos and Others, pp. 1614-15, § 40).

58. While in the context of Article 11 the Court has often referred to the essential role played by political parties in ensuring pluralism and democracy, associations formed for other purposes, including those protecting cultural or spiritual heritage, pursuing various socio-economic aims, proclaiming or teaching religion, seeking an ethnic identity or asserting a minority consciousness, are also important to the proper functioning of democracy. For pluralism is also built on the genuine recognition of, and respect for, diversity and the dynamics of cultural traditions, ethnic and cultural identities, religious beliefs, artistic, literary and socio-economic ideas and concepts. The harmonious interaction of persons and groups with varied identities is essential for achieving social cohesion. It is only natural that, where a civil society functions in a healthy manner, the participation of citizens in the democratic process is to a large extent achieved through belonging to associations in which they may integrate with

each other and pursue common objectives collectively (see Gorzelik and Others, § 92).

59. *Given that the implementation of the principle of pluralism is impossible without an association being able to express freely its ideas and opinions, the Court has also recognised that the protection of opinions and the freedom of expression within the meaning of Article 10 of the Convention is one of the objectives of the freedom of association (see Gorzelik and Others, cited above, § 91). Such a link is particularly relevant where (...) the authorities' intervention against an association was, at least in part, in reaction to its views and statements (see Stankov and the United Macedonian Organisation Ilinden, § 85 in fine).*

60. *Freedom of expression constitutes one of the essential foundations of a democratic society and one of the basic conditions for its progress and for each individual's self-fulfilment. Subject to paragraph 2 of Article 10, it is applicable not only to "information" or "ideas" that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb. Such are the demands of pluralism, tolerance and broadmindedness without which there is no "democratic society" (ibid., § 86; and Ceylan v. Turkey [GC], no. 23556/94, § 32, ECHR 1999-IV, with further references).*

61. *Consequently, the exceptions set out in Article 11 are to be construed strictly; only convincing and compelling reasons can justify restrictions on freedom of association. In determining whether a necessity within the meaning of Article 11 § 2 exists, the States have only a limited margin of appreciation, which goes hand in hand with rigorous European supervision embracing both the law and the decisions applying it, including those given by independent courts (see Sidiropoulos and Others, cited above, *ibid.*).*

62. *When the Court carries out its scrutiny, its task is not to substitute its own view for that of the relevant national authorities but rather to review under Article 11 the decisions they delivered in the exercise of their discretion. This does not mean that it has to confine itself to ascertaining whether the respondent State exercised its discretion reasonably, carefully and in good faith; it must look at the interference complained of in the light of the case as a whole and determine whether it was "proportionate to the legitimate aim pursued" and whether the reasons adduced by the national authorities to justify it are "relevant and sufficient". In so doing, the Court has to satisfy itself that the national authorities applied standards which were in conformity with the principles embodied in Article 11 and, moreover, that they based their decisions on an acceptable assessment of the relevant facts (ibid.).*

21. Indeed how these general principles are applied in every particular case depends on national regulations, first of all – on national constitutions, i. e. how these “convincing and compelling reasons” and “relevant and sufficient reasons” are described in national constitutions and relevant laws.

22. A closer analysis of the national provisions which are reported in Annex 1 reveals a multitude of reasons, why there are prohibitions to receive donations from foreign political parties. All these reasons appear to be deeply rooted in the political and constitutional experiences of the European countries and their specific history.

23. One such legislative reason is the experience during the years between the two World Wars of the international policies of extremist parties of the political right and left. A second reason is the similar experience during the Cold War years and the polarisation of the Western World on the one side and the Eastern on the other. A third reason is the existence or fear of separatist movements. A fourth reason – finally and quite differently – is the advancement of public funding of political parties and the wish to keep any provided funds within the country.

24. Annex 1, however, also shows that there are many countries which do not prohibit donations from foreign political parties. The reasons for this position are more difficult to identify. In some countries, which are entirely lacking provisions on prohibition, the explanation for the lack of provisions certainly is that there never has been a necessity to introduce prohibitions. Other countries, however, seem to have deliberately avoided to enact legislation on prohibition in order to politically facilitate their own support of political movements in the Third World. A third group of countries, finally, appear to avoid regulation because of the potential complexities of any such legislation when and if one has to take into account the many forms of entirely legitimate and acceptable cooperation of political parties within the framework of the Parliamentary Assemblies of the Council of Europe and the OSCE, the European Parliament and regional cooperation organisations as for example the Nordic Council.

IV. On the adoption of a specific approach concerning the financing of a political party established in a member country of the EU by a party from another Member State of the EU

25. As concerns the specific approach towards financing of a political party established in a member state of the EU by a political party from another member state of the EU, the Commission is of the opinion that such an approach would be reasonable and appropriate due to the particular, specific nature of the European Union. The fact that the legal system of European Union differs from international public law, which is created mostly by concluding international agreements has to be taken account. For example, in its judgment of 5 February 1963 (26/62, *Van Gend & Loos*) the European Court of Justice concluded that “*the Community constitutes a new legal order ... for the benefit of which the states have limited their sovereign rights, albeit within limited fields, and the subjects of which comprise not only member states but also their nationals*”.

26. The Treaty of Rome in its Article 191 provides that:

“Political parties at European level are important as a factor for integration within the Union. They contribute to forming a European awareness and to expressing the political will of the citizens of the Union.

The Council, acting in accordance with the procedure referred to in Article 251, shall lay down the regulations governing political parties at European level and in particular the rules regarding their funding”.

27. In this context it has to be observed that the European Union quite recently has adopted Regulation (EC) No 2004/2003 of the European Parliament and of the Council of 4 November 2003 on the regulations governing political parties at European level and the rules regarding their funding³ *together with* the Decision of the Bureau of the European Parliament of 29 March 2004 laying down the procedures for implementing Regulation (EC) No 2004/2003.⁴ The road to the adoption of these provisions has been difficult,⁵ the legislation is to a large extent a compromise which may not be easy to handle in the future. Provisions on the interaction of financing on the EU-level on the one hand with financing on the national level are few and relatively simple: Article 6 of Regulation No 2004/2003 provides that contributions from political parties which are members of a political party at European level shall be admissible, but may not exceed 40 % of that party's annual budget. According to Article 7 of the same Regulation the funding of political parties at European level from the general budget of the EU or from any other source may not be used for the direct or indirect funding of other political parties, and in particular national political parties, which shall continue to be governed by national rules. The "travaux préparatoires" do not go into detail concerning the reasons for these provisions, but it seems reasonable to assume that the guiding principle has been to draw a reasonably clear and enforceable line between the budget sphere of the EU on the one hand and the budget spheres of Member States and their political parties on the other. There is no indication that the provisions in Articles 6 and 7 of the Regulation were enacted in order to achieve specific political goals. However, the adoption and existence of Regulation No. 2004/2003 underlines that cooperation and to some extent integration of existing financing systems is not only unavoidable but essentially necessary for the functioning of political parties as democratic institutions on both the national level and the level of the Union when it comes to international cooperation.

V. Conclusion

28. With regard to different approaches in Member States to the problem of financing of political parties in general, there cannot be only one answer to the question to what extent the prohibition of a foreign political party financing a political party be considered as "necessary in a democratic society". Old legislative decisions – taken between the World Wars and during the Cold War – have to be reconsidered in the light of the situation in Europe as it has developed in the last 15 years. One argument for a much less restrictive approach is the experience of cooperation of political parties in the many supranational organisations and institutions of Europe today. Cooperation of this kind is "necessary in a democratic society". It is not obvious that the same can be said about the raising of obstacles to cooperation by restricting or prohibiting reasonable financial relations between political parties in different countries or on the national level on the one hand and the European or a regional level on the other. With regard to the European Convention on Human Rights hardly be the fact that there are financial relations between political parties as such which can motivate a reduction of human rights protection.

³ Official Journal of the European Union (OJ) 2003 L 297/1.

⁴ OJ 2004 C 155/1.

⁵ Cf. the discussions of Commission proposals COM(2000) 898 final and COM(2003) 77 as recorded in the PreLex-database of the EU and Special Report No 13/2000 of the EU Court of Auditors on the expenditure of the European Parliament's political groups, together with the European Parliament's replies, OJ 2000 C 181/1.

29. The prohibition of contributions from foreign political parties may be considered as necessary in a democratic society, if:

- the aims of a foreign political party are not compatible with the Constitution and the laws of the country (for example, the foreign political party pursues aims which pose a threat to the national territorial integrity, advocate discrimination, war, violation of human rights, etc.), or
- considering the overall national system of financing of political parties and the proportion of public and private funding in the budget of the political parties, this prohibition does not deprive them from important source of financing.

30. However, every particular case has to be considered separately in a context of the general legislation on financing of parties as well as of the international obligations of a State in order to establish if a prohibition of financing from abroad is problematic in the light of Article 11 of the European Convention on Human Rights.

ANNEX NO. 1

THE PROHIBITION OF DONATIONS FROM FOREIGN SOURCES
IN THE MEMBER STATES OF THE COUNCIL OF EUROPE

NO.	THE COUNCIL OF EUROPE'S MEMBER STATES	PROHIBITION TO RECEIVE DONATION FROM FOREIGN COUNTRIES (+)	LEGAL SOURCE (date of last amendment found)
1	<u>Albania</u>	+	Law on Political Parties (2002) Financial aid from foreign countries granted either by public or private entities is prohibited. Donations must be registered. The State Audit Department is appointed as the body responsible for financial investigation of political parties (Chapter III).
2	Andorra	+	Funding of Parties and Election Campaigns, Stockholm: IDEA, 2003, 246 p. (indicated source: Law No. 2/2001 of 15 December 2000 on Electoral Finance)
3	Armenia	+	Law on Parties (2002) 1. Parties have the right to receive donations in the form of property and cash means from physical persons, public unions and foundations, and other legal entities. 2. It is not allowed to receive donations from: <...> 7) foreign states, foreign citizens and legal entities, as well as legal entities with foreign participation, if the share of the foreign participant in the statutory (share, paid in) capital of the given legal entity is more than 25 per cent; 8) international organizations and international public movements; <...> (Article 25)
4	Austria	-	Bundesgesetz über die Aufgaben, Finanzierung und Wahlwerbung politischer Parteien (Parteiengesetz - PartG) BGBl. Nr. 404/1975 idF BGBl. I Nr. 71/2003
5	Azerbaijan	+	Law on Political Parties Financing of the activities of political parties by foreign States as well as by legal and natural persons of foreign States shall be prohibited (Article 17).
6	Belgium	-	La loi du 4 juillet 1989 relative à la limitation et au contrôle des dépenses électorales engagées pour les élections des Chambres fédérales ainsi qu'au financement et à la comptabilité ouverte des partis politiques
7	<u>Bosnia and Herzegovina</u>	-	Law on party Financing Article 4 (Contributions) Legal and natural persons and private businesses may give contributions to the political parties. For the purpose of this Law, a contribution for the party shall also be any gifts given to the political party, free service for the party or rendering of a service for the party or selling of products to the party under the conditions which provide a preferential treatment for the party in relation to other beneficiaries of the services of legal and natural persons and private businesses or buyers of the products of such persons. A legal or natural person or a private business that render a service to the party or sell it a product must deliver a receipt to the party, irrespective of who the payer of the service is or the price of the product, or, irrespective of the whether the service has been rendered or the product given free of charge. Party work done by citizens shall as a matter of principle be unpaid work.

			Payments in kind and services provided by party members on a non-commercial basis and usually free of charge shall not be counted as income.
8	Bulgaria	+	Political Parties Act (1998) (2) The political parties may not receive aid, donations and testaments from foreign states and organizations, as well as from anonymous sources. They may receive donations from foreign citizens up to 500 US dollars, when donated by single persons, and up to 2000 US dollars, when donated by a group of persons. No more than one donation may be received from the same person or the same group of persons within a calendar year. (3) The political parties may not be financed by enterprises, offices and organizations. (Article 17)
9	Croatia	+ <i>(but it is easy to avoid this ban on foreign donations)</i>	http://www.gong.hr/eng/gong.asp?cat=1&subcat=6&cl=670
10	Cyprus	-	<i>Funding of Parties and Election Campaigns, Stockholm: IDEA, 2003, 246 p.</i>
11	Czech Republic	-	Law on Political Parties and Political Movements Party or movement cannot receive any free performance or donation from <...> foreign legal entity <u>except political parties and foundations</u> (Article 19 (h)).
12	Denmark	-	<i>Funding of Parties and Election Campaigns, Stockholm: IDEA, 2003, 246 p.</i>
13	Estonia	+	Political Parties Act (2003) Only membership fees established by the articles of association of a political party, allocations from the state budget received pursuant to this Act, donations of natural persons and income earned on the assets of the political party are the source of the assets and funds of the political party (Article 12 ¹ (1)); political parties shall not accept anonymous or concealed donations (Article 12 ¹ (2)); political parties <u>shall not accept anonymous donations or donations from legal persons</u> . If possible, political parties shall return such donations to the donor. In the absence of the possibility, political parties shall transfer the donations into the state budget within ten days where it is added to the funds to be allocated to political parties from the state budget in the following budgetary year (Article 12 ³ (4)).
14	Finland	-	Act on Political Parties (1969, with amendments, not available in English); Act on the Disclosure of Election Financing (414/2000); <i>Funding of Parties and Election Campaigns, Stockholm: IDEA, 2003, 246 p.</i>
15	France	+	Code électoral (2005) (Article L52-8) 4. Aucun candidat ne peut recevoir, directement ou indirectement, pour quelque dépense que ce soit, des contributions ou aides matérielles d'un Etat étranger ou d'une personne morale de droit étranger. Loi n° 88-227 du 11 mars 1988 relative à la transparence financière de la vie politique (Art. 11-4 (5)).
16	Georgia	+	Law on Political Parties (Articles 25, 29, 31, 32, 33, 34) and Unified Election Code (Article 47) (2002) It is inadmissible to accept the following contributions to the election campaign fund: a) from other States; b) from persons or legal entities from other States; c) from persons with no citizenship; d) from international organizations and movements; e) from non-entrepreneurial legal entities and religious organizations; f) from a Georgian entrepreneurial legal entity, in which there is a State share.
17	Germany	+ <i>(except donations from EU; donations less than 1000 €)</i>	The Law on Political Parties (Party Law) (2002) Article 25 Donations <...> (2) Parties are not allowed to accept the following donations: 1. Donations from public corporations, parliamentary factions and groups as well as fractions and groups of municipal agencies; 2. Donations from political foundations, incorporated bodies, associations of individuals and funds which, under the statutes, the foundation charter or other

			<p>rules and regulations and by virtue of the actual business, are intended exclusively and directly for non-profit-making, charitable or church purposes (Paragraphs 51 to 68 of the tax law)</p> <p>3. <u>Donations from outside the area of application of this Law unless</u></p> <p>a. these donations accrue to a party directly from the assets of a <u>German citizen</u> as defined by the Basic Law, a <u>citizen of the European Union</u> or a business enterprise more than 50 per cent of whose shares are owned by Germans as defined by the Basic Law or by a citizen of the European Union or whose principal residence is located in a member state of the European Union;</p> <p>b. they are donations to parties of national minorities in their ancestral country which are granted to them from states bordering on the Federal Republic of Germany and in which members of their ethnic community live, or</p> <p>c. they are donations of <u>no more than 1,000 euros from an alien.</u></p> <p>4. Donations from professional associations which were bestowed on them with the proviso that they be forwarded to a political party.</p> <p>5. Donations from enterprises that are fully or partly under state ownership or are administrated or managed publicly if the state has more than a 25 per cent holding.</p> <p>6. Donations which exceed 500 euros and whose donors cannot be determined, or donations from an anonymous third party which have evidently been forwarded.</p> <p>7. Donations that are clearly made to the party in the expectation of or in return for a specific economic or political advantage.</p> <p>8. Donations solicited by a third party against a payment from the party if the payment exceeds 25 per cent of the value of the solicited donation.</p> <p><...></p>
18	Greece	+	<p>Law No. 3023/2002</p> <p>1. Donations</p> <p>a) Limits on individual donations to candidates or political parties</p> <p>The limits are the following:</p> <ul style="list-style-type: none"> - 15,000 euros per year for political parties. - 3,000 euros per electoral period for candidates. <p>Donor who exceed this amount may face imprisonment of up to one year and a penalty of up to 15,000 euros.</p> <p><u>Non-Greek citizens, state enterprises, private companies, local government authorities and owners of media are forbidden to offer donations to the parties.</u></p> <p>b) Limits on corporate donations to candidates or political parties</p> <p>The legislation does not allow corporate donations, with the exception of companies that are totally owned by political parties.</p> <p>(Source: http://www1.transparency.org/in_focus_archive/policy/download/case%20studies/political_corruption_party_financing_greece.pdf)</p>
19	Hungary	-	<p>Campaign Finance in Central and Eastern Europe: Lessons Learned and Challenges Ahead, Jānis Ikstens, Ph.D.; Daniel Smilov, Ph.D.; Marcin Walecki, M.A. (2002))</p> <p>The 1990 Law on the Operation and Financial Functioning of Political Parties</p> <p>No contribution limits apply to the donations of foreign nationals, or non-profit organizations.</p> <p>A party may not accept property or funds from the government of another country, or any donations from anonymous sources.</p>
20	Iceland	+	<p>Country Reports on Political Corruption and Party Financing- ICELAND (by Kristján Guy Burgess, TI Contact in Iceland/Journalist Ágúst Þór Árnason) (2002) (http://www1.transparency.org/in_focus_archive/policy/download/case%20studies/political_corruption_party_financing_iceland.pdf)</p> <p>The only limits are that, according to law No.62/1978, foreign individuals, institutions and embassies are not allowed to support political parties in Iceland, to support any publication published by them or to give presents or goods to Icelandic parties.</p> <p>Funding of Parties and Election Campaigns, Stockholm: IDEA, 2003, 246 p.</p>

21	Ireland	+	A political party must not accept a foreign donation. A foreign donation is a donation from: (i) an individual (other than an Irish citizen) who resides outside the island of Ireland, or (ii) a body corporate or unincorporated body of persons which does not keep an office in the island of Ireland from which one or more of its principal activities is directed (Section 23A(2))
22	Italy	-	<i>Country Reports on Political Corruption and Party Financing–ITALY (by Maria Paola Ferretti) (2002)</i> (http://www1.transparency.org/in_focus_archive/policy/download/case%20studies/political_corruption_party_financing_italy.pdf) <i>Funding of Parties and Election Campaigns, Stockholm: IDEA, 2003, 246 p.</i>
23	Latvia	+	<i>Funding of Parties and Election Campaigns, Stockholm: IDEA, 2003, 246 p.;</i> <i>Campaign Finance in Central and Eastern Europe: Lessons Learned and Challenges Ahead</i> , Jānis Ikstens, Ph.D.; Daniel Smilov, Ph.D.; Marcin Walecki, M.A. (2002)) Law on Party Financing, 2004. Parties are prohibited from receiving donations from stateless persons, foreign or anonymous sources, religious organizations, state or municipal institutions, or from enterprises with 50% or more of state shares.
24	Liechtenstein	?	
25	Lithuania	+ (except legal persons of EU and NATO member states, registered in Lithuania)	Law on Financing and Financing Control of Political Parties and Political Campaigns (2004) The financing sources of political parties are membership fees; state subsidies; income from other activities of political party; contributions from international organizations, the member of which is Lithuania or Lithuanian political party; donations (Article 7). According to Article 12 the only subjects entitled to provide donations to political parties are natural persons (citizens of Lithuania, permanent inhabitants of Lithuania, who are citizens of another EU member state, another permanent inhabitant of Lithuania and persons without citizenship) and legal entities (private legal entities, which are registered in Lithuania and which do not have state or municipality shares in their share capital and the part of voting rights, allowing to control the activity of legal entity, belongs only to the above mentioned natural persons or legal entities, registered in Lithuania, or private legal entities of NATO or EU member states).
26	Luxembourg	-	
27	Malta	-	<i>Funding of Parties and Election Campaigns, Stockholm: IDEA, 2003, 246 p.</i>
28	Moldova	+	Elections Code The direct or indirect financing, material support in any form of electoral campaigns of candidates to elections as well as the support of electoral competitors by other states, foreign enterprises, institutions and organizations, international and mixed as well as by natural persons who are not citizens of the Republic of Moldova (Article 36 (1)).
29	Monaco	?	
30	Netherlands	-	<i>Funding of Parties and Election Campaigns, Stockholm: IDEA, 2003, 246 p.</i>
31	Norway	-	<i>Funding of Parties and Election Campaigns, Stockholm: IDEA, 2003, 246 p.</i>
32	Poland	+	Act on Political Parties (Article 25 (1)) A political party may collect financial resources exclusively from individuals, with regard to the provisions of para. 2 (political party may not receive any financial resources from individuals with no place of residence (excluding polish citizens living abroad) and foreign nationals) (Article 25 (2)) and political party may get state subventions (if certain conditions are fulfilled) (Article 28).
33	Portugal	+	Parliament Electoral Law (2002) Political parties, candidates and representatives of the lists may not accept any cash con

			<p>for the electoral campaign coming from national companies or foreign individual organisations (Article 76).</p> <p>Financing of Political Parties and Election Campaigns (2003) 1 – Political parties may not receive monetary or in-kind donations or loans from national or foreign legal persons, except for the provisions of the following number. 2 – Parties may obtain loans from credit and financial institutions. 3 – Parties may not acquire goods or services from national or foreign individual and legal persons at prices below market prices. 4 – Political parties are also prohibited from receiving or accepting any indirect contributions or donations involving payment by third parties of any expenses incurred by the political parties in excess of the limits set forth in article 4. (Article 5)</p>
34	Romania	<p>+</p> <p><i>(except material goods from umbrella international political organizations)</i></p>	<p>Law on the Funding of Activities of Political Parties and of Electoral Campaigns (1996) Donations from foreign states and organizations as well as from foreign natural and legal persons are forbidden, except donations consisting in material goods necessary for the political activity, which are not electoral propaganda literature, received from international political organizations to which the respective political party is affiliated, or from parties in political collaboration. These donations shall be published in the "Monitorul Oficial" (Official Gazette of Romania) (Article 6 (2)).</p>
35	Russian Federation	<p>+</p>	<p>Federal Law No175-FZ of December 20, 2002 «On the Election of Deputies of the State Duma of the Federal Assembly of the Russian Federation»</p> <p>Article 66. Electoral Funds of Candidates, Political Parties, Electoral Blocs <...> 7. No donations to electoral funds of candidates, political parties, electoral blocs shall be allowed from: (1) foreign states and foreign legal entities; (2) foreign nationals;</p>
36	San Marino	<p>-</p>	<p><i>Funding of Parties and Election Campaigns, Stockholm: IDEA, 2003, 246 p.</i></p>
37	Serbia and Montenegro	<p>+</p>	<p>http://www.transparentnost.org.yu/english/MEDIA/1708-e01.html The Political Party Financing Act of 1997 ensures government funding for parties and <u>bans foreign donations</u>. The law also restricts donations from companies, groups of companies, and other organizations to 50 average salaries, but doesn't regulate donations from individuals. Anonymous donations are allowed but can't amount to more than three percent of what a party earned the previous year. If a party does break the law, the punishment is little more than a slap on the wrist.</p> <p>Many public debates have come to the conclusion that these provisions are precisely the reason why new legislation has yet to be passed. No party, the ruling parties included, wants to have to publicize information on its income, let alone reveal its benefactors.</p>
38	Slovakia	<p>+</p>	<p><i>Ikstens J., Smilov D., Walecki M. Party and Campaign Funding in Eastern Europe: A Study of 18 Member Countries of the ACEEEO (paper, presented at the ACEEEO annual conference "Transparent Election Campaign Financing in the 21st Century"). Brijuni, 2001.</i></p> <p>Only donations from the individuals with permanent residence within the territory of Slovakia, from legal entities based within the territory of Slovakia, or from political parties or movements registered in Slovakia are allowed.</p>
39	Slovenia	<p>+</p>	<p><i>Campaign Finance in Central and Eastern Europe: Lessons Learned and Challenges Ahead, Jānis Ikstens, Ph.D.; Daniel Smilov, Ph.D.; Marcin Walecki, M.A. (2002)</i></p>
40	Spain	<p>-</p> <p><i>(prohibition applies only to foreign</i></p>	<p>Donations to political parties by other states or other public foreign organs are forbidden, with the exception of subsidies given by the European Parliament.</p>

		<i>states and public foreign organs, except EU inst.)</i>	<p>Ley orgánica 3/1987, de 2 de julio, sobre financiación de los partidos políticos (2003) Artículo 6</p> <p>1. Los partidos políticos <u>podrán recibir</u> aportaciones no finalistas, <u>procedentes de personas extranjeras</u>, con los límites, requisitos y condiciones establecidas en la presente Ley, y siempre que se cumplan, además los requisitos de la normativa vigente sobre control de cambios y movimiento de capitales.</p> <p>2. No obstante lo anterior, los partidos <u>no podrán aceptar cualquier forma de financiación por parte de Gobiernos y organismos públicos extranjeros</u>, sin perjuicio de las subvenciones de funcionamiento establecidas por el Parlamento Europeo.</p> <p>Ley orgánica 5/1985, de 19 de junio, de régimen electoral general (2003) Artículo 128</p> <p>1. Queda prohibida la aportación a las cuentas electorales de fondos provenientes de cualquier Administración o Corporación Pública, Organismo Autónomo o Entidad Paraestatal, de las empresas del sector público cuya titularidad corresponde al Estado, a las Comunidades Autónomas, a las Provincias o a los Municipios y de las empresas de economía mixta, así como de las empresas que, mediante contrato vigente, prestan servicios o realizan suministros u obras para alguna de las Administraciones Públicas.</p> <p>2. Queda igualmente <u>prohibida</u> la aportación a estas cuentas de fondos procedentes de <u>Entidades o personas extranjeras</u>, excepto los otorgados en el Presupuesto de los órganos de las Comunidades Europeas para la financiación de las elecciones al Parlamento Europeo, y, en el supuesto de elecciones municipales, únicamente con relación a las personas para quienes sea aplicable lo dispuesto en el artículo 13.2 de la Constitución.</p>
41	Sweden	-	<i>Funding of Parties and Election Campaigns, Stockholm: IDEA, 2003, 246 p.</i>
42	Switzerland	- <i>(no regulations at all)</i>	<p><i>Country Reports on Political Corruption and Party Financing- SWITZERLAND (by Michael Brändle) (2002)</i> (http://www1.transparency.org/in_focus_archive/policy/download/case%20studies/political_corruption_party_financing_switzerland.pdf)</p> <p><i>Funding of Parties and Election Campaigns, Stockholm: IDEA, 2003, 246 p.</i></p>
43	<u>The former Yugoslav Republic of Macedonia</u>	+	<p>Law on Election of Members of Parliament of the Republic of Macedonia The election campaigns shall not be financed from <...> funds from foreign governments, international institutions, bodies, and organizations of foreign states and other foreigners; and funds from enterprises with mixed capital, where the dominant owner is a foreign investor (Article 62).</p>
44	Turkey	+	<p><i>Ikstens J., Smilov D., Walecki M. Party and Campaign Funding in Eastern Europe: A Study of 18 Member Countries of the ACEEEO (paper, presented at the ACEEEO annual conference "Transparent Election Campaign Financing in the 21st Century"). Brijuni, 2001.</i></p> <p>Parties cannot accept money, property, or donations from foreign states; international organizations; citizens of another country; or associations, groups, or institutions located in another country (Law on Political Parties; Law on the Main Rules of Election).</p>
45	Ukraine	+	Financing of political parties is forbidden from foreign countries and their citizens, companies, institutions and organizations; from political parties that are not members of the same electoral bloc of political parties (Law on Political Parties); from foreign countries and their organizations, international organizations, foreign citizens and persons without citizenship (Law on Associations of Citizens).
46	United Kingdom	+ <i>(except Northern Ireland)</i>	<p>Registered political parties are only legally allowed to accept donations of more than £200 from 'permissible donors'. Permissible donors are defined by the Political Parties, Elections and Referendums Act (PPERA) as:</p> <ul style="list-style-type: none"> • an individual registered on a UK electoral register; • a UK registered political party; • a UK registered company;

		<ul style="list-style-type: none">• a UK registered trade union;• a UK registered building society;• a UK registered limited liability partnership;• a UK registered friendly/building society;• a UK based unincorporated association. <p>Political parties are prohibited from accepting donations of more than £200 other than from the above sources. Any donations of more than £200 from impermissible sources must be returned, and donations from unidentifiable sources cannot be accepted.</p> <p>The Political Parties, Elections and Referendums Act 2000 (Disapplication of Part IV for Northern Ireland Parties, etc) Order 2001 (which, for Northern Ireland parties disapplies the rules on the identity of donors and foreign funding) was extended in January 2005 for a further two years, i.e. until February 2007.</p>
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