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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**DRAFT LAW ON POLITICAL PARTIES  
OF THE REPUBLIC OF MOLDOVA**

***The Parliament adopts the present organic law.***

## **Chapter 1**

### **GENERAL PROVISIONS AND PRINCIPLES**

#### **ARTICLE 1. Political parties**

(1) Political parties shall be voluntary associations of citizens of the Republic of Moldova entitled to vote, with the statute of legal entity, who through joint activities and based on the principle of freedom of participation contribute to the definition, expression and attainment of their political will.

(2) Political parties, democratic institutions of the rule of law, promote the democratic values and political pluralism, contribute to the formation of the public opinion, participate by nominating and supporting candidates in elections and in the constitution of public authorities, stimulate the participation of citizens in the polls, undertake other activities under the terms of the present law.

(3) Political parties can establish structures that tackle specific problems of certain social or professional groups.

(4) With the view of realizing their political will, parties may affiliate to international political organizations that share the same values, conceptions, ideals and goals.

#### **ARTICLE 2. Territorial organizational principle of political parties**

(1) Political parties shall be constituted upon the administrative- territorial principle of the Republic of Moldova.

(2) Governing bodies, branches and structures of political parties shall have their headquarters in the territory under the jurisdiction of the Republic of Moldova.

(3) Political parties shall not create their structures and bodies within institutions, organizations and enterprises.

#### **ARTICLE 3. Restrictions on the activity of political parties**

(1) There may function as political parties only associations of citizens of the Republic of Moldova, whose activity is of political character, are constituted according to the provisions of the present law and which take action for the observance of national sovereignty, of the unity and independence of the State, of territorial integrity and of the rule of law of the Republic of Moldova.

(2) Political parties which, by their statutes and programmes convey ideas that contravene the provisions of the Constitution of the Republic of Moldova shall be prohibited.

(3) Political parties' association with international organizations, which by their character, goals or activity violate the values provided for in par. (1) of the present article shall be prohibited.

(4) Political parties shall be forbidden to organize military or paramilitary activities as well as other activities prohibited by law.

(5) Any type of interference in the internal activity of political parties shall be prohibited, with the exception of cases provided by law.

(6) Establishment and operation of parties or other states' political organizations as well as their branches and structures shall be prohibited in the Republic of Moldova.

(7) Establishment of political parties on the basis of ethnical or racial criteria shall be prohibited.

#### **ARTICLE 4. Attributes of political parties**

(1) Each political party shall have a complete and an abridged denomination, and its own symbols.

(2) The complete the abridged denomination and the symbols shall be clearly distinct from the denomination and the symbols of other political parties previously registered in the Republic of Moldova, including the ones that have been deleted from the Register of political parties. The use of the same graphic symbol, regardless of the geometric shape is prohibited.

(3) the provisions under par. (2) apply respectively to political alliances.

(4) attributes stipulated in par. (1) may not reproduce or combine the state symbols of the Republic of Moldova, of other states, of international organizations, of religious cults and as well as to propagate the purposes and the ideas provided in art. 2 par. (2) – (3).

*Note: These provisions shall not apply to political parties if the latter use the denomination, symbols, parts or derivatives, of international political organizations to which they are members. Political parties may use the distinguishing mark of the respective organization as such or in a specific combination.*

#### **ARTICLE 5. State support of political parties**

(1) With the view of facilitating a qualitative government exercise and for the efficient accomplishment of common welfare, the state supports the development of political parties. In this regard, by the present law and other normative acts, legal mechanisms for the activity of political parties and their structures are being instituted, as well as for the finance of political parties from private sources and from the state budget.

(2) subsidies from the state budget for the finance of political parties constitute investments whose objectives is to strengthen accountability of the political class, by the distribution method, and also to enhance the quality of the respective class.

(3) Discrimination at the distribution of the state support to political parties is prohibited.

(4) State support of political parties is exercised under the law.

(5) Differential funding of political parties, based on the outcome and performance criteria during the electoral campaigns is not considered discrimination.

#### **ARTICLE 6. legal bases for the activity of political parties**

Political parties perform their activity in conformity with the provisions of the Constitution of the republic of Moldova, present law, other organic and ordinary laws, within the extend to which thy cover their activity, as well as based on their statutes and programmes adopted by the bodies invested with this type of competences.

### **Chapter 2**

#### **POLITICAL PARTIES MEMBERS**

#### **ARTICLE 7. Rights of citizens of the Republic of Moldova to political association**

(1) Citizens of the Republic of Moldova who according to the present law are entitled to vote can become members of political parties. Party membership is certified by a membership card. The form and the content of the card shall be established by the statute of each party. (2) Citizens of the Republic of Moldova are entitled to freely associate in political parties, to participate in their activity and to withdraw their membership. No person can be forced to affiliate or not to a political party.

(3) While joining a political party, any person is obliged to make a written declaration, on one's own responsibility, and stipulate whether he/she is or not a member to another political party.

(4) Persons that under the present law are prohibited to engage in political activities can not be members of political parties.

(5) Collective persons can not be members of political parties.

### **ARTICLE 8. Affiliation to a political party. Acquirement and loss of the political party membership**

(1) To become member of a political party, the citizen of the Republic of Moldova submits a written application, requesting the membership of the respective party. The body within the party, empowered by the statute to accept new members, will decide whether to satisfy the affiliation application.

(2) A citizen of the Republic of Moldova can not be simultaneously member to two or more political parties. Joining another political party the citizen loses his previous party membership.

(3) The acquirement or loss of the membership to a political party shall not create priorities or limitations in the exercise of the fundamental rights and obligations.

(4) Members of political parties can withdraw their membership by submitting a written application.

(5) Acquirement and loss of the political party membership is subject to the internal norms and regulations of the political party, under the provisions of the respective party's statute.

## **Chapter 3**

### **REGISTRATION AND RECORD OF POLITICAL PARTIES**

#### **ARTICLE 9. Application for the registration of the political party**

(1) For the registration of a political party the following documents are lodged with the Ministry of Justice:

a) application for the registration of the political party;

b) statute of the political party;

c) programme of the political party;

d) the constitution act, the list of political party members attached to it, the number of party members shall not be less than five thousand. At the time of party constitution its members shall domicile in at least half of the territorial administrative units of the second level from the Republic of Moldova, but not less than 150 members domiciled in each of the aforementioned territorial administrative units.

The list is constituted based on the political party affiliation application and shall include: the name, the first name, date of birth, domicile, identity card, personal code, the job place and the signature:

e) a declaration with regard to the legal address of the party;

f) proof of the opening of the bank account;

(2) The Ministry of Justice, shall deliver judgment on the registration application within a month from the day of the submission of documents stipulated in par. (1), and shall adopt the decision regarding the registration of the political party, or in the event when not all provisions of the present law are respected, a decision on the rejection of the registration of the political party shall be delivered.

(3) The decision of the Ministry of Justice rejecting the registration application of the political party can be appealed against in the Court of Appeal Chisinau within 10 days as of the date of adopting the decision.

(4) To register the statute of the political party as well as to perform modifications or amendments to it, a state fee shall be paid under the terms of the present law in the quantum of 10 minimum salaries

(5) The participation of the representative of the governing body of the political party at the registration procedure is compulsory.

(6) Modifications and amendments to the statutes of political parties shall be registered under the terms provided for the initial registration. At the registration of modification and amendments to the statutes procedure, political parties may be represented by the members of their governing bodies or by other persons empowered to represent the parties within this legal relationships.

(7) The political party acquires legal entity as from the date when the statute of the political party is registered or the final decision of the Court of Appeal of Chisinau with regard to the admission of the registration application was delivered

(8) The political parties whose registration applications were admitted shall be inscribed in the Register of political parties.

(9) A political party is considered registered from the moment of inscribing it in the Register of political parties.

#### **ARTICLE 10. Rendering the registration decision of a political party void**

The decision regarding the registration application of a political party may be declared void by judicial judgment, upon the request of the Ministry of Justice, if proceeding from the registration, circumstances were discovered which could serve as grounds for registration rejection.

#### **ARTICLE 11. Registration of modifications and amendments to the statutes and programmes of political parties**

(1) Modification of the statutes or programmes of the political parties can be performed under the terms provided in the statutes of the respective political parties.

(2) Modifications approved by the competent body of the political party shall be communicated to the Ministry of Justice within 30 days from the day of adoption.

(3) The Ministry of Justice examines the modifications and the amendments to the statute and the programme according to the procedure provided under art. 7 par. (2) – (6).

#### **ARTICLE 12. Record of political parties**

(1) The Ministry of Justice keeps the Register of political parties which is a legal record instrument of political parties from the Republic of Moldova.

(2) The Ministry of Justice is the sole institution invested with the right to perform modifications in the Register of political parties.

(3) The information contained in the Register of political parties is of public interest.

(4) The information regarding the registration, delete of political parties, as well as performing the modifications and amendments to the political parties statutes shall be published in the Official Monitor (Official Gazette) and on the web page of the Ministry of Justice. The Ministry of Justice shall be responsible for the publication of the information provided for in the present paragraph.

## **Chapter 4**

### **ORGANIZATION AND FUNCTIONING OF POLITICAL PARTIES**

#### **SECTION 1: Organization of political parties**

#### **ARTICLE 13. Organization and activity bases of political parties**

(1) Each political party is organized and functions based on its own statute and political programme.

(2) The statute and the political programme of the party shall be presented in written form and approved by the statutory empowered bodies.

#### **ARTICLE 14. Statute of the political party**

(1) Statute of the political party shall compulsorily include:

- a) the full and abridged name;
- b) description of the permanent symbols;
- c) in the appendix, the permanent symbol in black and white color graphic forms;
- d) information on the seat of the political party;
- e) an express mention on the objectives pursued in the political activity;
- f) rights and obligations of members;
- g) disciplinary sanctions, the procedure for their application, as well as the competent body to apply the sanctions;
- h) executive bodies, the election procedure and their prerogatives;
- i) the competent body to initiate the reorganization of the party or decide mergers with political alliances or other forms of association;
- j) conditions under which it shall cease its activity;
- k) funding sources of the party and the mode of administration of the patrimony, under the terms of the present law;
- l) the body empowered to represent the party in relation with the state authorities and other physical or juridical entities;
- m) other provisions the exposition of which is compulsory under the present law.

(2) The statute of the political party shall expressly provide the organizational juridical form of the political party.

#### **ARTICLE 15. Structure of the political party**

(1) Political parties have central bodies, territorial organizations and organizations set up based on the criterion of affiliation to a social or professional group.

(2) Leadership forums such as the General Assembly of the members of the political parties or of their delegates and the governing body, regardless of the denomination held according to the statute of the party, shall be mandatory for each political party. These shall function both at the central and territorial organizations level of political parties.

(3) Territorial organizations of political parties shall be set up on the basis of the administrative-territorial criterion of the Republic of Moldova.

#### **ARTICLE 16. General assembly of the party**

(1) The general assembly of members of the political party or of their delegates at the national level shall constitute the supreme decisional body of the party. According to the statute it may have another name. The convocation procedure and the periodicity of sittings shall be established by the statute of the political party.

(2) Only members of the respective political party can participate as delegates at the general assembly of the respective political party.

## **ARTICLE 17. Executive body of the party**

The executive body of the party, at the national level, shall be elected by the general assembly of the party members or their delegates and their main prerogatives shall be to contribute to the implementation of the decisions drawn by the general assembly, as well as other assignments set forth in conformity with the statute. The denomination of the executive body shall be established by the statute of the respective party.

### **SECTION 2: Activity of political parties**

## **ARTICLE 18. Rights of political parties**

(1) All political parties enjoy equal rights with regard to the participation to Parliament, mayors and local councils' election within the territorial –administrative units.

(2) During electoral campaigns, all political parties registered for the electoral run and their candidates for the public functions enjoy free of charge and fair broadcasting time on the national radio and TV stations, under the terms of present law.

(3) Political parties shall be entitled to organize meetings, demonstrations and other types of get-togethers, respecting the order provided for in the legislation on respective reunions.

## **ARTICLE 19. Activity of political parties**

(1) Parties function with the view of accomplishing their political will, which shall be expressed in their statutes' provisions and programmes, registered in the established way under the legislation in force.

(2) With the view of attaining their purposes, statutory assignments and the political programme, political parties can:

- a) freely disseminate information on their activity through any available means;
- b) participate, independently or in association with other political parties, with candidates at the elections organized under the terms of the electoral law, with the view of establishing the central and local public governing bodies;
- c) create and dispose of media means and undertake publishing activity under the terms of the law;
- d) perform any other type of activity under the law.

## **ARTICLE 20. Obligations and liabilities of political parties**

(1) Political parties shall be obliged to respect the legislation of the Republic of Moldova and the provisions stipulated in their statutes.

(2) In the event of legislation amendment, as well as in the case ascertain of noncompliance of statutes and programmes with the provisions of the law, political parties shall bring their documents in line with the norms of the legislation, perform modifications and amendments according to the establishes procedure.

(3) Political parties shall be obliged to submit to the Ministry of Justice information on the general assembly held at the national level within 30 days from the date of the event. Documents regarding the general assembly shall be included in the Registry of political parties.

(4) Every pre electoral year political parties shall be obliged to update the membership list, according to the provisions of art. 7 par. (1) item. (d). The updated list of members shall be submitted to the Ministry of Justice until the 31 of December of the pre electoral year.

(5) Political parties shall be liable with their own patrimony for the assumed commitments.

(6) No political party shall be liable for the obligations assumed by its members, neither the member of the political party shall be liable for the commitments assumed by the respective parties.

#### **ARTICLE 21. Decisions of political parties**

(1) Decisions of political parties and of their territorial organizations shall be adopted with the majority vote provided by the statute.

(2) Election of the members in the governing body is performed by vote. In this case, upon the decision of the forum the vote can be opened or closed.

### **Chapter 5**

## **REORGANIZATION AND CESSATION OF THE ACTIVITY OF THE POLITICAL PARTY**

### **SECTION 1: Reorganization of the political party**

#### **ARTICLE 22. Reorganization of the political party**

(1) Reorganization of political parties constituted under the law can be decided by the central governing bodies of the parties.

(2) Parties can be reorganized by amalgamation which implies mergers and absorption.

#### **ARTICLE 23. Amalgamation of political parties through mergers and absorption**

(1) Two or more political parties can be amalgamated by a merging minutes, approved by the central governing bodies provided for in art. 15 of the present law. The approval of the merging minutes shall be performed within the joint meeting of the supreme governing bodies of the political parties engaged in the amalgamation procedure.

(2) The merging minutes shall expressly establish the mode of assets transfer, financial means debts and claims of the amalgamated parties

(3) The minutes shall indicate whether the amalgamation is performed through merger or absorption.

(4) The amalgamation minute shall be lodged with the Ministry of Justice with 10 days from its approval. If within the amalgamation process one of the parties keeps its legal entity, the information regarding the modification and amendment of the statute and the programme of the political party shall be submitted to the Ministry of Justice, under the provisions of the present law with regard to the registration of modifications and amendments to the constitution documents. The amalgamation minutes shall include express provisions on the complete and abridged denomination, as well as the symbols of the party that keeps its legal entity.

(5) Political parties absorbed shall be deleted from the Register of political parties.

(6) The political party amalgamation creates a new political party, which the successor of the claims and liabilities of the merged parties. The political party created based on the merger of other parties shall comply within 10 days to the provisions of the law on political party registration.

(7) The political party created on the amalgamation criterion can have a new complete denomination, abridged denomination and symbol or these elements can derive from one or more merged parties.

(8) The Ministry of Justice shall examine the documents submitted by the new political party under the provisions of art. 7 of the present law and shall deliver judgment within the established term.

(9) Following the decision of the Ministry of Justice regarding the registration application of the political party founded as a result of a merger or after rendering final the decision of the Court of Appeal Chisinau for the admission of the registration application, the



new political party shall be inscribed in the Register of political parties, and the parties that took part in the merger process shall be deleted.

SECTION 2: Suspension and cessation of political party's activity

**ARTICLE 24. Suspension and cessation of political party's activity**

(1) The Ministry of Justice shall suspend the activity of the political party if the latter violated the provisions of art. 1 – 3 of the Constitution of the Republic of Moldova. In this case the Ministry of Justice shall inform in writing the leadership of the respective party, indicating the provisions of the law that were violated and establish a term for their elimination. This term shall not exceed one month.

(2) During electoral campaigns the activity of political parties can be suspended by the decision of the Court of Appeal Chişinău, upon the notification of the Ministry of Justice.

(3) For the suspension period, the political party shall be prohibited to use mass media means, to undertake activities focused on the accomplishment of the objectives stipulated in art. 1 par. (2) of the present law, to engage in banking operations or other assets related transactions. In the event that in the suspension period the political party shall undertake actions prohibited by law, the Ministry of Justice shall apply to the Court of Appeal Chişinău with an action to dissolve the respective political party.

(4) After removing the noncompliance for which the activity of the political party was suspended, the party shall notify the Ministry of Justice about this, and the latter within 5 days shall authorize the resumption of the activity.

(5) The activity of political parties can be suspended for a term up to six months. In the event when the violations, for which the activity of the political party was suspended, shall not be removed or if during one year from the day of suspension, the party continues to commit similar infringements, the activity of the party shall be suspended for one year. If upon the expiry of one year the political party has not removed the infringements for which the activity of the party was suspended, the Ministry of Justice shall apply to the Court of Appeal Chişinău with an action to dissolve the respective political party.

(6) The political party whose activity was suspended by the Ministry of Justice can appeal against the decision for the activity suspension in the Court of Appeal Chişinău that shall deliver judgment upon the legality of the decision of the Ministry of Justice within five days.

**ARTICLE 25. Cessation of the activity of political parties**

(1) The activity of a political party shall cease in the following cases:

- a) dissolution pronounced by the resolution of the Court of Appeal from Chisinau, upon notice of the Ministry of Justice;
- b) ascertain of the unconstitutionality of the party by the decision of the Constitutional Court;
- c) self-dissolution upon the decision of the supreme decision body;
- d) reorganization, in the cases provided in the present law, if the party, following the reorganization procedure loses its legal entity;
- e) drop in the membership number below five thousand.

(2) The Ministry of Justice or the General Prosecutor's Office of the Republic of Moldova can challenge the Court of Appeal to request the dissolution of a political party if there is at least one of the following reasons:

- a) the aim and the activity of the party became illicit or contrary to public order;
- b) accomplishment of the political will of the party is performed through illegal means or methods or are contrary to public order;
- c) the party pursues other purposes than the ones provide in the statute and the programme of the party;

d) inactivity of the party is ascertained;  
e) the party activates based on the modified statute and the programme, after the application registration for modification and amendment of the statute and programme of the respective party was rejected;

f) the party continues its activity during the suspension period;

g) the membership number dropped under five thousand;

h) The Constitutional Court declared unconstitutional the respective party.

(3) The activity of the political party can be disputed in one of the following situations:

a) no general assembly at the national level was held during five years;

b) there was no participation through candidates designation or list of candidate sat two consecutive electoral campaigns.

(4) The final decision of the Court of Appeal Chisinau on the dissolution of the party shall be submitted to the Ministry of Justice that will enter in the Register of political parties information on liquidation procedure of the party.

(5) To dissolve a political party the Ministry of Justice, with a view of giving effect to the decision of the Court of, shall create a commission for the liquidation of the political party. The activity of the political party shall be considered ceased only after the completion of the liquidation procedure which ends up in the deletion of the respective party from the Register of political parties.

(6) After the cessation of the political party's activity, its patrimony shall be used for charity purposes according to the decision of the governing body of the party, assisted by the Ministry of Justice.

#### **ARTICLE 26. Liquidation procedure of the political party**

(1) Dissolution of a political party under art. 27 par. (1) item c) is performed with the participation of the Ministry of Justice, by its college governing body or by other persons appointed by the general assembly.

(2) Within the decree on the liquidation of the political party, adopted by the general assembly, the procedure and the term for the liquidation of the party shall be established and the destination of the goods left after the liquidation, as well as the deadline for the creditors to submit their claims shall be indicated. The term shall be at least 30 days from the date of publishing the decision in the Official Monitor of the Republic of Moldova.

(3) In the event when the liquidation is performed under art. 27 par. (1) item a) and b), the liquidators shall be appointed by the liquidation decree of the respective body.

(4) Alongside with the appointment of liquidators, the mandates of the party bodies or any other social-political organization shall cease. The liquidators are obliged to respect all the requirements provided for in the present law regarding the publication of the notice on the liquidation of the party or other social-political organization. The notice on the liquidation shall include:

a) the names of the liquidators and the seat of the party or other social-political organization;

b) the procedure and the term for the liquidation, the deadline for the creditors to submit their claims;

c) invitation to creditors to provide proofs pertinent to their claims. The creditors will be invited by individual notifications.

(5) Following the designation of the liquidators, the latter are obliged to draft immediately the inventory check list, indicating accurately the assets and the liabilities. The check list shall be signed by the liquidators and the management of the permanent governing body.

(6) Liquidators are obliged to continue with the operations, pay the creditors, and in case when cash is insufficient to cover all debts, they are entitled to put the goods of the political party on sale. The liquidators are liable for the prejudices caused on their fault.

Liquidators are accountable both to the political party in process of liquidation and the tertiary.

(7) After completing the liquidation procedure of the political party, liquidators are obliged to draft the liquidation balance sheet and submit it to the Ministry of Justice and the Fiscal Inspectorate for approval, and publish it in the Official Monitor of the Republic of Moldova. The assets left after satisfying the claims of all creditors shall be used for the implementation of the purposes provided in the statute or liquidation decree.

(7) In all cases of political parties' liquidation, to introduce the respective registration in the Register of political parties, the liquidators submit to the Ministry of Justice the following documents:

- a) request to delete the political party from the Register of political parties;
- b) registration certificate (original);
- c) a document certifying the performance of payments to the state budget, issued by the Fiscal Inspectorate;
- d) constitution documents (original);
- e) the act regarding hand over of stamps for liquidation, issued by the empowered police body;
- f) a copy of the notice on the liquidation of the political party, published in the Official Monitor of the Republic of Moldova.

(8) The obligations of the liquidators shall cease from the moment when all financial-banking operations have been completed.

## Chapter 7

### **PATRIMONY OF POLITICAL PARTIES**

#### **ARTICLE 27. Political parties patrimony**

(1) Political parties are entitled to property, buildings, equipment, publishing houses, printing house, transportation means, as well as other assets not forbidden by law. The assets of political parties shall not be used for other purposes than for pursuing the statute tasks.

(2) The right to property of political parties shall be regulated by the norms of the civil legislation of the Republic of Moldova.

(3) Political parties shall not own agricultural land, industrial enterprises, associations and cooperatives and can not undertake economic or commercial activity.

(4) Political parties can not own, have at their disposal or use and can neither accept to store, keep weapons, explosives and other material perilling the life and health of citizens.

(5) Patrimony of political parties can not be distributed among its members.

#### **ARTICLE 28. Financing sources of political parties**

(1) Finances of political parties can derive from the following sources:

- a) party members' dues;
- b) donations;
- c) fund raising activities;
- d) subsidies from the state budget, according to the annual budgetary law.

(2) Political parties can not use other sources than the ones provided in the law.

(3) The amount and the way of paying membership fees are established by the statute of the respective party.

(4) Encashment and payment operations of the political parties shall be effected through Moldovan Lei and foreign currency accounts opened in banks seated in the Republic of Moldova.

(5) Revenues provided in par. (1) shall be tax exempted.

- (6) Private or public finance can not limit the independence of the political parties.
- (7) State owned enterprises can in no form finance political parties.
- (8) Finance of political parties from abroad is prohibited.

### **ARTICLE 29. Donations**

(1) Annual revenues of a party, deriving from donations, shall not exceed the equivalent of 0,05 % of the revenues set out in the state budget for the respective year.

(2) A natural person can make donations to one or more parties. Donations made by a natural person to one or more political parties during a budgetary year shall not exceed the amount of 500 average salaries, establishes for the respective year.

(3) A natural person can not donate during one year, to one or more political parties sums which all in all exceed the amount of 1000 average country salaries, established for the respective year.

### **ARTICLE 30. Public character of donations for political parties**

(1) Each political party shall keep accounting records of received donations, where the identity and the domicile shall be indicated, when necessary the seat of the donor and the donated amount.

(2) Political parties shall not receive anonymous or confidential donations.

(3) In the event of ascertaining anonymous or confidential donations, the respective political party, within 10 days, shall be obliged to deposit these sums in the state budget. These means will be transferred to fund for financing political parties from the state budget.

### **ARTICLE 31. Public character of the information on financing political parties**

(1) Expenses supported by political parties during the electoral campaigns constitute information of public interest.

(2) Within one month from the date of the election, each political party shall submit the data on the expenses encountered during the electoral campaign, indicating all derivation sources to the Central Electoral Commission.

(3) If the information submitted by a political party under the terms of par. (1) is incomplete, the Central Electoral Commission shall be entitled to request the respective party additional information on the derivation sources of the financial means and the amount of each entry in the account of the respective party.

(4) The Central Electoral Commission shall publish on its web page, within two months from the date of each ballot the disbursement statement of each political party, based on the information presented by the political parties.

### **ARTICLE 32. Finance of Political Parties from the state budget**

(1) The cash amount from the state budget allocated annually for the finance of political parties shall not exceed 0,05 % of the accumulations in the state budget foreseen for the respective budgetary year and shall be distributed in the following way:

a)  $\frac{1}{2}$  is distributed to political parties proportional to the number of mandates obtained at the parliament elections and validated at the time of constituting the new legislature of the Parliament of the Republic of Moldova that met the following conditions:

- were registered with the Central Electoral Commission as electoral competitors;
- exceeded the electoral ceiling at the Parliament elections;
- entered parliamentary fractions legally constituted.

b)  $\frac{1}{2}$  is distributed to political parties proportional to the number of votes obtained at the general local elections, provided that they accumulated not less than 20 mandates in the representative bodies of the administrative- territorial units of the second level.

(2) Political parties lose the right to benefit from subsidies from the state budget if:

- a) their activity was suspended, for the whole activity period;
- b) lose their legal character;
- c) violate the provisions on parties financing, as well as the conditions set forth in par. (3) of the present article;
- d) entered a liquidation process.

(3) parties which during the electoral campaign exceeded the maximum ceiling of expenditures established by law, as well as the parties that were funded with violation of the provisions of the present law, lose their right to benefit from financial subsidies from the state budget.

(4) In case of losing the right to finance from the state budget for exceeding the expenditures ceiling admitted for the electoral campaign as well as for violating the provisions of the law on financing electoral campaigns, the respective party can regain this right after the subsequent ballot under the conditions stipulated in par. (1).

(5) The party that lost its right to finance from the state budget for violating the procedure of revenues intake, regains this right after eliminating the illegality that lead to the suspension of the finance.

(6) the allocated sums for the parties finance are transferred to the accounts of the respective parties, under the conditions and in the proportion provided in par. (1), by the Ministry of Finance, based on the data regarding the votes accumulated by the political parties, received from the central Electoral Commission.

(7) The due amounts from the state budget shall be transferred to the political parties during the whole year, in monthly equal payments.

(8) The transfer of the money from the state budget to the account of the political party which, under the present law, lost its right to finance ceases as of the subsequent month the political party lost this right.

### **ARTICLE 33. Use of subsidies from the state budget**

(1) Political parties upon the decision of their governing bodies shall use the subsidies from the state budget, in the following way:

- a) expenses for the maintenance and functioning of the seats
- b) ) personnel expenses;
- c) propaganda and press expenses;
- d) travel expenses within the country and abroad;
- e) telecommunications expenses;
- f) expenses with regard to the organization of activities with a political feature;
- g) expenses with delegations from abroad;
- h) payment of membership dues to international organizations to which the respective party is a member;
- i) investments in real property and personal property required for the activities of the parties;
- j) protocol expenses;
- k) stationary supplies expenses;
- l) expenses for electoral campaigns.

(2) revenues from the subsidies from the state budget shall not be used with other destinations but the ones provided for in par. (1).

(3) Use of revenues from subsidies from the state budget shall be distinctly reflected in the bookkeeping of political parties.

## **FINAL AND TRANSITORY PROVISIONS**

**Article I.** – The present law shall come into force as of 1 January 2007.

**Article II.** – Law of the Republic of Moldova on political parties and social -political organizations nr. 718-XII of 17.09.1991 shall be abrogated upon the date of coming into force of the present law.

**Article III.** – Legislative norms regulating the activity of public associations and noncommercial organizations apply to political parties provided that the present law shall not set out other provisions.

**Article IV.** – The Government of the Republic of Moldova shall include in the law on the state budget for 2007 the respective on the budgetary allocation for financing political parties, in accordance with the provisions of the present law.

**Article V.** – Until 01.02.2007, the central Electoral Commission shall transmit to the Ministry of Finance the data on the last electoral campaign. Based on these data, the Ministry of Finance shall precede the financing of political parties, as of January 2007, under the provisions of the present law.

**Article VI.** – Political parties registered in the Republic of Moldova shall bring their constitution and operation documents in line with the present law, as well as their whole activity until 01.03.2007.

## **PRESIDENT OF THE PARLIAMENT**

### **INFORMATIVE NOTE on the draft law on political parties**

In the Republic of Moldova, as in many other states where the democratic exercise is performed under the conditions of political pluralism, and the people's sovereignty is accomplished by the representative bodies rather than directly by the political parties that have to play a role of an outstanding importance. Consequently, the accountability of political parties should be relative to their importance. Thus, regulating the activity of political parties through a law corresponds to the democratic development stage of the Republic of Moldova, constitutes an imperious exigency of this historical phase. The draft law on political parties is intended to amend and to adjust the system of norms on political parties, and to incorporate in it all regulations and innovations that were not included in the legislation so far.

The present draft law was elaborated following a study of the respective legislation in many countries, such as Estonia, Lithuania, Latvia, Romania, Germany, Austria, Georgia. The recommendation of the Parliamentary Assembly of the Council of Europe was also taken into consideration.

The elaboration of this draft law aims at the creation of mechanisms that will strengthen democracy, political pluralism, as well as diminish electoral absenteeism. The novelty of the present draft law aims at instituting party's financing mechanisms not just from contributions and donations, but also on the basis of subsidies from the state budget. This funding is a direct investment in enhancing the efficiency of political parties' one side, and on the other side it is an indirect investment focused on democratic development of the society. States like Estonia, Lithuania, Lithuania, Germany, France, Romania and many others have legal systems that provide for the finance of political parties, and the principle of distribution of allocations from the state budget to political parties is similar to one enlightened in the present draft law, with apparent exceptions determined by the economic, social and political specificity of each state.