



Strasbourg, 26 November 2008

Opinion no. 505/2008

CDL(2008)126
Engl. only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**DRAFT AMENDMENTS
TO THE LAW ON POLITICAL PARTIES
OF BULGARIA**

Political Parties Act

Promulgated, State Gazette No. 28/1.04.2005, effective 1.04.2005, amended and supplemented, SG No. 102/20.12.2005, amended, SG No. 17/24.02.2006, effective 1.05.2006, amended and supplemented, SG No. 73/5.09.2006, amended, SG No. 59/20.07.2007, effective 1.03.2008, supplemented, SG No. 78/28.09.2007

Chapter One

GENERAL PROVISIONS

Article 1. This Act regulates the establishment, registration, organization, activities and dissolution of political parties.

Article 2. (1) Political parties shall be voluntary associations of Bulgarian citizens holding electoral rights.

(2) Political parties shall contribute to the formation and expression of the political will of citizens through elections or by other democratic means.

(3) Political parties shall use democratic means and methods to achieve the political objectives thereof.

Article 3. Organizations that are not political parties may not participate in elections.

Article 4. Political parties shall be organized and shall function on the basis of the Constitution, the laws, and in accordance with the statutes of the said parties.

Article 5. (1) Political parties may not use in the symbols thereof the coat of arms or the flag of the Republic of Bulgaria or of any foreign State, nor any religious signs or images.

(2) The symbols of political parties may not infringe on universal human values and may not be contrary to good morals.

Article 6. Political parties shall conduct the public events thereof, shall make addresses, and shall draw up the documents thereof in the Bulgarian language.

Chapter Two

ESTABLISHMENT, REGISTRATION AND ACTIVITIES OF POLITICAL PARTIES

Article 7. The establishment and the activities of political parties shall be a public process.

Article 8. (1) A Bulgarian citizen may participate in the constituent meeting of a political party only if he or she is not a member of another party.

(2) Any Bulgarian citizen, who is also a citizen of another State, may participate in the establishment of a political party under the terms established by Paragraph (1).

Article 9. (1) (Amended, SG, No. 17/2006, supplemented, SG No. 78/2007) The following shall be barred from membership of political parties: conscripts and career military personnel of the Armed Forces of the Republic of Bulgaria, civil servants who are employees of the Ministry of Interior, investigating magistrates, public prosecutors, judges, members of the Diplomatic Service, as well as other persons who are barred from membership of political parties by a special law.

(2) Upon entry of service, the persons covered under Paragraph (1) shall sign a declaration to the effect that they are not members of a political party.

Article 10. (1) A political party shall be established on the initiative of not fewer than fifty Bulgarian citizens holding electoral rights, who shall constitute a Steering Committee.

(2) The Steering Committee shall adopt a Declaration on Establishment in writing.

(3) The Declaration on Establishment referred to in Paragraph (2) shall specify the fundamental principles and objectives of the political party.

(4) The Steering Committee shall publish the Declaration of Establishment in at least one national daily newspaper and shall initiate a collection of signatures for recruitment of founding members.

Article 11. (1) Every Bulgarian citizen holding electoral rights may join the signature collection by means of a declaration of individual membership, completed and signed manually on a standard form endorsed by the Steering Committee until conduct of the Constituent Meeting.

(2) By the declaration referred to in Paragraph (1), the citizen shall express his or her personal will to become a member of the political party and shall declare that he or she accepts the fundamental principles and objectives of the political party as stated in the Declaration on Establishment, as well as that he or she is not a member of another political party.

(3) The members of the Steering Committee shall likewise sign a declaration under Paragraph (1).

Article 12. (1) (Supplemented, SG No. 73/2006) A political party shall be formed at a Constituent Meeting that shall be held on the territory of the Republic of Bulgaria within three months after the date of adoption of the Declaration on Establishment.

(2) For the valid transaction of business at the Constituent Meeting of a political party, not fewer than five hundred Bulgarian citizens, who have signed a declaration referred to in Article 11 herein, shall have to be present thereat.

Article 13. (1) The Constituent Meeting of a political party shall adopt a Statute of the political party with not fewer than five hundred founding members.

(2) The Constituent Meeting shall elect governing and supervisory bodies of the political party according to the Statute as adopted.

Article 14. (1) The Statute of a political party shall state:

1. the designation of the political party and the symbols thereof;
2. the seat and the address of the headquarters;
3. the objectives and the means for attainment thereof;
4. the governing and the supervisory bodies;
5. the rules regarding the manner of representation of the political party;
6. the procedure for convocation, election and removal of the governing and supervisory bodies and the powers thereof;
7. the procedure for the commencement and cessation of membership;
8. the rights and obligations of members;
9. the rules for the establishment of party chapters and the rights and obligations thereof;
10. the rules for fixing the amount of the membership dues;
11. the rules for the raising and spending of funds and for disposition of party property;
12. the terms and procedure for dissolution of the political party.

(2) It shall be inadmissible (for the designation of a political party) to replicate the designation of another party, whether in full or in abbreviated form, or to add any words, letters, figures, numbers or other signs to any such designation.

Article 15. (1) A political party shall be registered in a register of political parties at the Sofia City Court.

(2) A political party shall be registered at the court acting on an application in writing that must be submitted by the party body which, according to the Statute, represents the said party within three months after the date of conduct of the Constituent Meeting.

(3) For the purposes of registration, political parties shall be required to submit the following to the court:

1. a Declaration on Establishment;
2. Minutes of Proceedings at the Constituent Meeting;
3. a Statute of the party;
4. a list containing the forename, patronymic and surname, the Standard Public Registry Personal Number and a manual signature of each of not fewer than five hundred founding members of the party who are Bulgarian citizens holding electoral rights;
5. declarations of individual membership referred to in Article 11 herein;
6. notarized specimens of the signatures of the persons representing the political party;
7. a list stating the forename, patronymic and surname, the Standard Public Registry Personal Number and a manual signature of each of not fewer than five thousand members;
8. a notarized declaration by the leadership of the political party concerning the authenticity of the documents referred to in Items 3, 4 and 7;
9. a certificate of the uniqueness of the designation.

10. (new) a bank account for revenues and expenditures

(4) The document referred to in Item 3 of Paragraph (3) shall be issued by the Sofia City Court according to a procedure established thereby.

Article 16. Within one month after submission of an application under Article 15 (2) herein, the Sofia City Court, sitting in public session, shall consider the application according to the procedure established by the Code of Civil Procedure, calling the applicant and with the participation of a public prosecutor, and shall render judgement within fourteen days after the hearing.

Article 17. (1) The following circumstances shall be entered into the register of Sofia City Court:

1. the designation of the political party;
2. the seat and the address of the headquarters;
3. the Statute of the political party;

4. the names of the members of the governing and supervisory bodies of the political party;
5. the names of the persons who, according to the Statute, represent the political party;
6. the dissolution of the political party;
7. the names or, respectively, the designation, and the address of the liquidators;
8. any subsequent changes in the circumstances covered under Items 1 to 7.

(2) The entries shall be effected under the terms and according to the procedure established by the Code of Civil Procedure.

Article 18. (1) (Amended, SG No. 59/2007) Any judgment on the application for registration shall be appealable or protestable before the Supreme Court of Cassation within seven days after learning of the said judgment regardless of the prerequisites for admission of the cassation appeal under Article 280 (1) of the Code of Civil Procedure.

(2) The Supreme Court of Cassation shall render a final judgment within fourteen days after submission of an appeal or a protest under Paragraph (1).

(3) The Sofia City Court shall enter the political party into the register of political parties within seven days after the entry into effect of the judgment of registration.

(4) A political party shall qualify as a legal person as from the day of entry of the said political party into the register of political parties at the Sofia City Court.

Article 19. The judgment of the court on entry of a political party into the register shall be promulgated in the State Gazette within seven days after delivery of the said judgment.

Article 19a. (new) The political party shall present the records of proceedings of the meeting of its national governing bodies according to the Statute thereof to the Sofia City Court.

Article 20. (1) Political parties may establish local chapters thereof along territorial or thematic lines and on the basis of residence.

(2) Political parties may establish youth, women's and other organizations thereof.

(3) Political parties may not establish workplace chapters thereof at commercial corporations, cooperatives, sole traders, not-for-profit legal entities and religious institutions, at state, regional or municipal administrations, nor can they interfere with the management and operation thereof.

(4) Political parties may not establish children's and adolescents' chapters whereof the members have not attained the age of 18 years, nor any religious and paramilitary structures.

20a. (new) A political party may participate in elections provided: it has established regional structures on the territory of at least half of the municipalities in the country;

Chapter Three

PROPERTY, FINANCING, AND SPENDING OF FUNDS

Article 21. The activities of political parties shall be financed by revenue from own sources and by a state subsidy.

Article 22. (1) Political parties may not carry out any economic activities.

(2) Political parties shall have no right to incorporate and to hold participating interests in any commercial corporations and cooperatives.

Article 23. (1) Revenue from own sources of political parties shall be any proceeds accruing from:

1. membership dues;
2. own corporeal immovables;
3. donations, legacies, devises and bequests from natural persons;

4. (repealed) donations from legal persons;

5. (supplemented, SG No. 73/2006) interest receivable on cash deposits with banks and revenues from securities provided this does not contradict Article 22;

6. publishing, copyright and use of intellectual property, as well as from the sale and distribution of printed, audio and audio-visual material of a party propaganda content.

(2) (new) The donation of one natural person cannot exceed 10 000 BGN per calendar year.

(3) Political parties may contract loans from banks to an amount not exceeding two-thirds of the revenue for the last preceding calendar year as reported to the National Audit Office.

(4) The revenue referred to in Paragraph (3) shall include the state subsidy and the revenue referred to in Items 1, 2, 5 and 6 of Paragraph (1) **(repealed - and in Paragraph (2)).**

(5) Any non-cash revenue referred to in Paragraph (1) shall be appraised at fair market value according to the Accountancy Act.

Article 24. Political parties may not receive:

1. any anonymous donations;
2. (repealed, SG No. 73/2006) ;
3. (repealed, SG No. 73/2006) ;
4. (supplemented, SG No. 73/2006) any funds from any commercial corporations wherein the State or a municipality holds an interest exceeding 5 per cent, or from any persons connected with any such corporations from companies where the state holds shares with special rights, as well as from state-owned and municipal-owned enterprises;

5. (amended, SG No. 73/2006) any funds from any participants in public procurement procedures that have not been concluded and the appeal deadline has not expired under the Public Procurement Act , public procurement contractors or from any legal persons subject to an ongoing privatization procedure;
6. any funds from any organizers of games of chance;
7. any funds from any religious institutions or from any not-for-profit legal entities pursuing public benefit activities;
8. any funds from any foreign governments or from any foreign state-owned enterprises, foreign commercial corporations or foreign non-profit organizations.

Article 24. Political parties may not receive:

- 1. any anonymous donations;**
- 2. any funds from traders within the meaning of the Commercial Act, from cooperatives and from other legal entities;**
- 3. any funds from religious institutions or non-profit legal entities;**
- 4. any funds from any foreign governments or from any foreign state-owned enterprises, foreign commercial companies or foreign non-profit organizations.;**

Article 25. (Amended, SG No. 73/2006)

- (1) A state subsidy shall be allocated annually from the central government budget to finance political parties or coalitions which are lawfully registered, have participated in the last parliamentary elections and have elected members of parliament.
- (2) The sum total provided for in the budget shall be distributed in proportion to the valid votes received by any party or coalition under Paragraph (1).
- (3) In respect of the coalitions represented in the National Assembly, the sum total referred to in Paragraph (2) shall be distributed among the constituent parties in compliance with the coalition agreement and should there be no such agreement in proportion to the number of members of parliament from the individual parties. The Ministry of Finance shall transfer the share of the subsidy to an account specified by each party in the coalition.

Article 25.

(1) A state subsidy shall be allocated annually, divided into four equal tranches, from the central government budget to finance political parties, which have participated in the last parliamentary elections and have elected members of parliament, the amount of the subsidy being determined in conformity with the number of the parliamentary members, which have declared their affiliation to the party at the time of filing the documents for allocation of each consecutive tranche.

(2) Where the political parties have participated in the last parliamentary elections as a coalition and have elected members of parliament, the state subsidy shall be distributed among the constituent parties in compliance with the coalition agreement which should be submitted along with the documents required for each consecutive tranche.

(3) Should there be no coalition agreement under paragraph 2 the state subsidy shall be distributed in proportion to the number of members of parliament who declare to which political party the funds due to him/her should be transferred for each consecutive tranche.

Article 26. A state subsidy shall furthermore be allocated annually to parties which are not represented in the National Assembly but which have received not less than 1 per cent of all valid votes at the latest parliamentary elections.

Article 27. (1) (Amended, SG No. 73/2006) The aggregate amount committed for subsidization of political parties and coalitions shall be fixed annually in the State Budget of the Republic of Bulgaria Act depending on the number of valid votes received at the latest parliamentary elections, with a subsidy of **(2 per cent shall be replaced by 5 per cent)** of the national minimum wage applicable for the current calendar year being committed for each vote received.

(2) The manner of provision of the funds for subsidization of parties and coalitions shall be determined by the Minister of Finance.

Article 28. (1) Each political party shall receive the portion thereto appertaining of the annual state subsidy in four parts, payable on or before the 30th day of April, on or before the 30th day of June, on or before the 30th day of September, and on or before the 20th day of December of the relevant year.

(2) A state subsidy received may not be furnished as security for receivables of third parties.

Article 28a. Political parties shall have one bank account for all their revenues and expenditures.

Article 29. **(1) (new- former Art. 29)** Political parties shall spend the funds thereof on preparation and participation in elections, to ensure the operation of party chapters, on organizational expenses for the conduct of events, and on other expenses inherent to the activity of the party.

(2) - (new) The political party shall establish and keep a public register in which the following circumstances shall be entered:

- 1. the persons under Article 23, paragraph 1, p. 3 and the type, the amount and the purpose of the donation or legacy ;**
- 2. a declaration by the persons under Article 23, paragraph 1, p. 3 of the origin of the funds ;**
- 3. the names of the sociological and advertising agencies as well as the PR agencies which support the party;**
- 4. the number of the account under Article 15, paragraph 3, p. 10;**
- 5. the full names and the addresses of the party members;**
- 6. the territorial structures of the party.**

Article 30. (1) Each party shall designate a specific person or persons who shall be responsible for the revenue, expenditures and keeping of accounts of the party.

(2) Within thirty days after the court registration thereof, each political party shall submit the names and positions of the persons referred to in Paragraph (1) to the National Audit Office and, upon any change of the said persons, the names and positions of the replacements shall be submitted within seven days after effecting any such change.

(3) (New, SG No. 73/2006) The persons under Article 17, Paragraph (1), items 4 and 5 shall declare their property, incomes and expenses at home and abroad under the procedure of the Public Disclosure of Senior Public Official's Financial Interests Act.

(4) (New, SG No. 73/2006) The procedure under Paragraph (3) shall not apply to parties that receive no state subsidy.

Article 31. (1) The State and the municipalities shall provide, in consideration of a rental charge, premises to the political parties which have a parliamentary group or a sufficient number of National Representatives to form a parliamentary group, for performance of the activities of the said parties.

(2) Premises referred to in Paragraph (1) may furthermore be provided to parties which have received more than 1 per cent of the valid votes at the latest parliamentary elections.

(3) The provision of premises to political parties shall be effected according to the State Property Act and the Municipal Property Act.

Article 32. (1) The rental charge for the premises as provided shall equal the amount of depreciation charges whereto the operating expenses, if any, shall be added.

(2) (Supplemented, SG No. 102/2005) The premises provided to political parties may not be sublet to tenants or given out for any other use, or used jointly with third parties under contract, unless this is in support of the activities of the party and the main purpose of the premises is preserved.

(3) The landlord-tenant relations shall be terminated by reason of non-payment of the rental charge for a period exceeding three months, by reason of systematic default on any such payments or upon violation of Paragraph (2).

Article 32a. (1) Political parties shall declare before the National Audit Office the motor vehicles owned by them and immovables which are their property or which they use under rent within 14 days from the acquisition, the conclusion of a contract for rent respectively.

(2) The National Audit Office shall enter into a public register accessible also through Internet the following data of each political party:

- 1. type and value of the motor vehicles acquired which belong to the political party;**
- 2. location, size and designation of the immovables owned by the political party and the value of acquiring thereof;**
- 3. location and surface of the immovables used under rent as well as the amount of the rent.**

(3) The National Audit Office shall approve a sample of the declaration under paragraph 1.

Chapter Four

FINANCIAL CONTROL

Shall be amended to **PUBLICITY AND FINANCIAL CONTROL**

Article 33. (1) Financial control over the activities of political parties and the management of the property thereto allocated shall be exercised by the National Audit Office.

(2) Political parties shall apply a double-entry system of bookkeeping according to the provisions of the Accountancy Act.

Article 34. (1) (Amended, SG No. 73/2006) Political parties shall draw up a financial statement on the last preceding calendar year, including information on the headquarters and the regional chapters, according to the requirements established by Article 26 of the Accountancy Act and by the National Accounting Standards.

(2) (Amended, SG No. 73/2006) The financial statements referred to in Paragraph (1) shall be subject to independent financial audit and certification by an independent financial auditor before their presentation to the National Audit Office if the political party has received or spent during the reporting period sums and/or other property exceeding BGN 50 000 regardless of their origin.

(3) The costs of the audit and certification of the financial statements shall be for the account of the relevant political party.

(4) (Supplemented, SG No. 73/2006) Political parties shall submit the certified financial statements to the National Audit Office not later than the 31st day of March of each current year on paper and on an electronic carrier. A sample declaration shall be attached thereto containing a list of the natural and legal persons that have made donations; the type, amount, value and purpose of the donations as well as a separate list of the non-profit legal persons that have made donations in which founders and/or members are members of the governing or control bodies of the respective political party, their children or spouses.

(4) (new) Political parties shall submit the certified financial statements to the National Audit Office not later than the 31st day of March of each current year on paper and on an electronic carrier. A declaration according to a sample shall be attached thereto containing a list of the natural and legal persons that have made donations; the type, amount, value and purpose of the donations as well as a declaration of the origin of the funds. (Deleted shall be: A declaration under Article (4) shall be filed also by non-profit legal persons that have made a donation in favour of a political party.)

(5) (New, SG No. 73/2006) The National Audit Office shall publish in the official bulletin and on its Web site by 15 April of each year the statements and declarations under Article (4) as well as the names of the parties that have failed to submit statements within the deadline under Article (4). **A declaration under Article (4) shall be filed also by non-profit legal persons that have made a donation in favour of a political party – shall be deleted.**

(6) (Renumbered from Paragraph 5, SG No. 73/2006) Not later than the 15th day of April of each current year, the National Audit Office shall publish the designations of the parties which have failed to submit statements within the time limit established under Paragraph (4) in the official bulletin and on the Internet site thereof.

(7) (New, SG No. 73/2006) The National Audit Office shall draw up the sample declaration under Article (4).

Article 35. (1) (Amended, SG No. 73/2006) Within six months after receipt of the financial statements, the National Audit Office shall conduct an audit of the financial activity and management of the property allocated as to compliance of the said activity and management with the requirements established herein and in the Accountancy Act.

(2) (New, SG No. 73/2006) After the expiry of the term under Paragraph (1) the National Audit Office shall send to the Executive Director of the National Revenue Agency the statements of the political parties that receive state subsidy, a list of the political parties that have not filed their statements on time in order to take action under the procedure of Chapter Fifteen of the Tax and Social Insurance Procedural Code.

(3) (New, SG No. 73/2006) The National Revenue Agency shall take the action within the deadlines under Article 114, Paragraphs (1) and (2) of the Tax and Social Insurance Procedural Code.

(4) (New, SG No. 73/2006) After taking the action under Paragraph (2) the Executive Director of the National Revenue Agency shall send the audit acts to the assignor - the National Audit Office.

(5) (Renumbered from Paragraph 2 and amended, SG No. 73/2006) Within one month after receiving the results of the audits referred to in Paragraph (1) and the audit acts received the National Audit Office shall publish the results of the said audits in its official bulletin and on its Internet site.

Article 36. (1) Upon non-submission or late submission of financial statements to the National Audit Office, political parties shall forfeit the entitlement thereof to a state subsidy until conduct of the next elections of National Representatives.

(2) Where in the course of the audit the National Audit Office has ascertained any violations in the raising and spending of funds, in the management of the property as allocated or in financial reporting, if there is good reason to believe that a criminal offence has been committed, the report shall be transmitted to the Sofia City Prosecution Office by decision of the National Audit Office within seven days after adoption of the said report.

Article 37. (1) (new – former Article 37) The National Audit Office shall issue a certificate on submission of financial statements for the shorter of the period commencing on the date of registration of a political party and the three successive years last preceding (election day), which the political party shall submit to the Central Election Commission upon registration for participation in elections.

(2) (new) In case of non-submission or non-submission within the times-limits of the financial statements for the last three years to the National Audit Office, it shall refuse to issue a certificate under paragraph 1 if it finds that the political party has received funds in breach of the prohibitions under Article 24 of this Act.

Article 37a: (1) Political parties shall publish annually their financial statements for the previous year in a national daily paper not later than the 31st day of March of the current year.

(2) Within one month after the elections the political parties shall publish in a national daily paper their financial statements for the funds spent for participation in the respective type of elections.

Chapter Five

DISSOLUTION OF POLITICAL PARTIES
Article 38.

A political party shall be dissolved upon:

1. a decision on merger by forming a new party or by joining another party;
2. a decision on division by forming two or more new parties;
3. a decision on self-dissolution according to the Statute thereof;
4. an effective judgment of the Constitutional Court, whereby the political party is declared unconstitutional;
5. dissolution by judgment of the Sofia City Court.

Article 39. Any decisions under Items 1 and 2 of Article 38 herein shall be made by the supreme body of the party. This power may not be delegated to the governing body of the party.

Article 40. (1) The Sofia City Court shall decree dissolution of a political party solely in the cases where:

1. by the activities thereof, such party commits systemic violations of the requirements established by this Act;
2. the activity of such party is in conflict with the provisions of the Constitution;
3. such party has not participated in elections of National Representatives, of President and Vice President, or of Municipal Councillors and Mayors, during more than five years after the latest court registration thereof.

(2) The judgment of court under Paragraph (1) shall be rendered on a motion by a public prosecutor.

(3) (new) The requirements under paragraph 1 shall not apply to political parties from the registration whereof there have not been two successive elections for members of parliament and members of the European Parliament.

4. (new) the party members are less than 5000;

5. (new) the party has not held the meeting of its national governing bodies provided for in its Statute for more than two successive times;

6. (new) the party has received less than one per cent of the valid votes in two successive parliamentary elections for members of parliament and for members of the European Parliament.

7. (new) has received a second refusal of the National Audit Office to issue a certificate under Article 37, paragraph 2 of this Act.

Article 41. (1) (Amended, SG No. 59/2007) The Sofia City Court judgment referred to in Article 40 herein shall be appealable before the Supreme Court of Cassation regardless of the prerequisites for admission of the cassation appeal under Article 280 (1) of the Code of Civil Procedure.

(2) (Amended, SG No. 59/2007) The Supreme Court of Cassation shall rule within fourteen days, rendering a judgment which shall be final and which shall not be subject to reversal under Article 303 of the Code of Civil Procedure.

(3) Any judgment on termination of a political party shall be entered into the register of the Sofia City Court and shall be promulgated in the State Gazette within seven days after entry.

Article 42. (1) Upon dissolution of a political party under Items 1 to 3 of Article 38 herein, the competent body shall determine the manner of disposition of the property of the said party.

(2) Upon dissolution of a political party under Item 4 of Article 38 herein, the property thereof shall pass to the Exchequer. The State shall be liable for the obligations of the dissolved party up to the amount of the property received.

Chapter Six

ADMINISTRATIVE PENALTY PROVISIONS

Article 43. (1) (Supplemented, SG No. 73/2006) Any member of a governing body of a political party or any person referred to in Article 30, Paragraph 1 herein, who commits a violation of the requirements for the raising and spending of funds, for management of the property allocated and for financial reporting under this Act, unless such act constitutes a criminal offence, shall be liable to a fine of BGN 200 or exceeding this amount but not exceeding BGN 2,000.

(2) (Amended, SG No. 73/2006) Any member of a governing body of a political party or any person referred to in Article 30, Paragraph (1) herein, who fails to submit a financial statement under Article 34, Paragraph (1) and a declaration referred to in Article 30, Paragraph (4) or who obstructs the conduct of an audit by the National Audit Office, shall be liable to a fine from BGN 1,000 to BGN 2,000.

(3) (New, SG No. 73/2006) Any person that has been assigned by the governing bodies of a non-profit legal person who fails to submit a declaration referred to in Article 30, Paragraph (4) shall be liable to a fine from BGN 1,000 to BGN 2,000.

(4) (Renumbered from Paragraph 3, SG No. 73/2006) Any funds and property received in violation of this Act shall be forfeited to the Exchequer.

Article 44. (1) The written statements ascertaining any violations covered under Article 43 herein shall be drawn up by officials authorized by the President of the National Audit Office.

(2) Penalty decrees shall be issued by the President of the National Audit Office.

(3) The drawing up of acts, the issuance, appeal against and execution of penalty decrees shall follow the procedure established by the Administrative Violations and Sanctions Act.

Article 45. (1) Any mayor or regional governor, who fails to fulfil an obligation arising from a judgment of court revoking a refusal to provide a premise to a political party, shall be liable to a fine for non-compliance to the amount of BGN 500 or exceeding this amount but not exceeding BGN 1,500 by the competent court.

(2) A repeated commission of any such violation shall be punishable by a fine of BGN 5,000 or exceeding this amount but not exceeding BGN 10,000.

SUPPLEMENTARY PROVISION

§ 1. Within the meaning of this Act:

1. "anonymous donations" shall be any donations in respect of which the identity or business name of the donor are kept confidential vis-a-vis third parties;

2. "funds" shall be all cash and non-cash resources provided to a political party on the basis of an onerous or gratuitous transaction;

3. (this point shall be repealed) "fund-raising events" shall be any activities for raising funds on the basis of an onerous or gratuitous transaction, in the form of money, services or technical equipment, in favour of a political party;

4. "financial statement" shall be an annual financial statement within the meaning given by the Accountancy Act;

5. "independent financial auditor" shall be a registered auditor within the meaning given by the Independent Financial Audit Act;

6. (this point shall be repealed) "connected persons" shall be commercial corporations or not-for-profit legal entities whose partners or members, as the case may be, include commercial corporations wherein the State or a municipality holds an interest exceeding 5 per cent.

TRANSITIONAL AND FINAL PROVISIONS

§ 2. The Non-profit Legal Persons Act shall apply to any matters unregulated by this Act.

§ 3. The Political Parties Act (promulgated in the State Gazette No. 30/2001; amended in No. 103/2003) is hereby superseded.

§ 4. (1) (Amended, SG No. 102/2005) Any political parties, which have been registered prior to the date of entry of this Act into force, shall bring their statutes in conformity with the provisions of this Act, not later than the 30th day of June 2006.

(2) Any proceedings for registration of political parties, which have been initiated prior to the entry of this Act into force, are hereby terminated.

(3) Any political party, which has been registered under a designation replicating the designation of another pre-registered party, whether in full or in abbreviated form, or under a designation adding any words, letters, figures, numbers or other signs to any such designation, shall re-register under a different designation under the terms and according to the procedure established by this Act within the time limit under Paragraph (1).

(4) In the cases under Paragraph (3), upon failure to submit documents for re-registration in due course, the political party shall be dissolved by the court on a motion by a public prosecutor or, where a refusal of re-registration has taken effect, shall be expunged by the court proprio motu.

(5) Within one month after the dissolution, the regional governors and the municipality mayors shall terminate the lease agreements for premises constituting state or municipal property which have been concluded with any political parties dissolved under Paragraph (4).

§ 5. Within six months after the entry of this Act into force, the regional governors and the municipality mayors shall terminate the lease agreements for premises constituting state or municipal property which have been concluded with any political parties which did not register any candidates at the latest elections of National Representatives, held on the 17th day of June 2001, or which have received less than 1 per cent of the votes in two successive participations in elections of National Representatives, of President and Vice President, or of Municipal Councillors and Mayors.

§ 6. In the Election of Members of Parliament Act (promulgated in the State Gazette No. 37/2001; (modified by) Constitutional Court Judgment No. 8/2001, (promulgated in) No. 44/2001; amended, No. 45/2002), a new Item 3 shall be added in Article 50 (3) to read as follows:

"3. a certificate from the National Audit Office on prompt submission of financial statements for the last preceding three years."

§ 7. In the Election of President and Vice President of the Republic Act (promulgated in the State Gazette No. 82/1991; amended in No. 98/1991, No. 44/1996, No. 59/1998, Nos. 24, 80 and 90/2001, No. 45/2002), a new Item 5 shall be added in Article 6 (1) to read as follows:

"5. a certificate from the National Audit Office on prompt submission of financial statements for the last preceding three years."

§ 8. In the Local Elections Act (promulgated in the State Gazette No. 66/1995; corrected in No. 68/1995; (modified by) Constitutional Court Judgment No. 15/1995, (promulgated in) No. 85/1995; amended in No. 33/1996; (modified by) Constitutional Court Judgment No. 4/1997, (promulgated in) No. 22/1997; amended in Nos. 11 and 59/1998, Nos. 69 and 85/1999, No. 29/2000, No. 24/2001, No. 45/2002, Nos. 69 and 93/2003), Article 40 (2) shall be amended to read as follows:

"(2) Parties shall submit a transcript of the judgment of court whereby they have been registered, as well as a certificate from the National Audit Office on the prompt submission of financial statements for the last preceding three years. Where any parties participate in a coalition, each of them shall submit a transcript of the judgment of court and a certificate from the National Audit Office. Party coalitions shall submit the decision on the formation thereof, by the leaderships of the relevant parties, a specimen of the signatures of the persons who represent the said parties, and a specimen of the impression of the seal of the coalition, if any."

§ 9. This Act shall enter into force as from the day of promulgation thereof in the State Gazette.

This Act was passed by the 40th National Assembly on the 25th day of August 2006 and the Official Seal of the National Assembly has been affixed thereto and was promulgated in the Official Gazette pursuant to Decree 381 of the President of the Republic of the 1st day of September 2006.

TRANSITIONAL AND FINAL PROVISIONS

§ 1. The Prosecution Office shall make checks and submit to the court a proposal for dissolution of political parties which do not meet the requirements under Article 40 by 31 December 2008.

§ 2. (1) Political parties shall submit a declaration under Article 32a for immovables which are their property or which they use under rent as well as for the motor vehicles possessed by them within one month after the effective date of this Act.

(2) The public register under Article 32a, paragraph 2 shall be established by the National Audit Office within three months and the access thereto through Internet shall be secured within six months after the effective date of this Act.

§ 3. New paragraph 3 shall be inserted in Article 40 of the Local Elections Act as follows:

“(3) Political parties which have received less than 0,5 per cent of the votes when participating on their own or less than 1 per cent in case of participation in coalition, shall not be registered for participation in the elections for councillors and mayors.

§ 4. Legal terms related to unreceived amounts of state subsidy which have not been settled to date shall be settled under the current Article 25 of the Political Parties Act.

This Act was passed by the 40th National Assembly on the 18th day of December 2004 and on 12 March 2005 and the Official Seal of the National Assembly has been affixed thereto.