

LAW on political parties

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CHAPTER I

General provisions

Art. 1. - Political parties shall be associations of franchised Romanian citizens, participating freely in the formation and exercise of their political will, and fulfilling a public mission warranted under the Constitution. They shall be legal persons under the public law.

Art. 2. - In their activity, political parties shall promote the national interests and values as well as the political pluralism, contribute to the political education of citizens and encourage their participation in the public life, influence the formation of public opinion, form citizens capable of assuming political responsibilities, participate with candidates in elections, and, if such should be the case under the terms of the law, in the constitution of public authorities, stimulate the participation of citizens in the polls, and organize the legislative initiative of the citizens.

Art. 3. - (1) There may function as political parties only associations 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, of the rule of law and of the principles of constitutional democracy.

(2) Political parties which, by their statutes, programmes, ideatic propaganda, or by other activities they organize, violate the provisions of Article 30, paragraph (7), Article 37, paragraph (2) or paragraph (4) under the Constitution shall be prohibited.

(3) Political parties associating with organizations from abroad whose provisions are imperative shall be prohibited.

(4) Political parties shall be forbidden to organize military or paramilitary activities.

Art. 4. - (1) To political parties may not belong judges of the Constitutional Court, advocates of the people, magistrates and people assimilated to them, members of the Court of Audit, the military and civil personnel who carry on their activity in the structures of the armed forces, of the defence forces of public order and national security, members of the Legislative Council, members of the boards of management and the specialist personnel of the National Radio Broadcasting Company, the National Television Company, and the National Press Agency "ROMPRES" as well as other classes of people whose political affiliation is prohibited expressly under the law.

(2) People holding offices as under-secretaries of State or higher than these as well as counsellors and the personnel of the cabinets of those fulfilling the respective functions, if they are civilians, shall be excepted from the provisions of paragraph (1).

Art. 5. - (1) A Romanian citizen may not belong at the same time to more than one political party.

(2) The joining by a person of another political party shall by right constitute that person's resignation from the party whose member he or she used to be.

(3) Members of citizens' organizations belonging to the national minorities which nominate candidates for elections may belong to a political party, too.

(4) No person may be compelled to belong or not to belong to a political party.

(5) The acquirement or loss of the quality of member of a political party shall not create priorities or limitations linked to civic rights.

Art. 6. - (1) Political parties shall organize themselves and function according to the territorial-administrative criterion.

(2) The constitution of structures of the political parties after the criterion of the workplace as well as the development of political activities within the framework of economic agents or of public institutions shall be prohibited.

(3) Within the framework of territorial organizations, the political parties may organize structures to deal with specific problems of a certain social or professional class.

(4) Youths having turned sixteen may join the youth structures of political parties. Before turning eighteen, however, they shall not have the rights and obligations of party members.

Art. 7. - (1) Each political party must have its own name and distinguishing mark. The full name and the abridged form as well as the distinguishing mark of a political party must be clearly distinct from those of previously registered parties.

(2) The provisions under paragraph (1) shall apply to electoral signs of political parties and of political alliances, too.

(3) The names and distinguishing marks of political parties as well as the electoral signs may not reproduce or combine the national symbols of the Romanian State, or of other states, of international bodies, or of religious cults. Political parties members of certain international political organizations shall be excepted from the previous rule, as they may use the distinguishing mark of the respective organization as such or in a specific combination.

CHAPTER II

Organization of political parties

Art. 8. - Each political party must have its own statutes and political programme.

Art. 9. - The statute of a political party shall compulsorily include:

- a) the full and abridged name, the distinguishing mark of the party and the electoral sign;
- b) the central seat;
- c) an express mention that it follows up political objectives only;
- d) members' rights and duties;
- e) party penalties and procedures by which they can be applied to members;
- f) election procedure of the executive bodies and their competences;
- g) the competence of the general assembly of members or of their delegates;
- h) the bodies empowered to put up nominations at local, parliamentary, and presidential elections;
- i) the body competent to decide mergers with other political parties, with political alliances or other forms of association;
- j) conditions under which it shall cease its activity;
- k) mode of administration of the patrimony, and financing sources established under the terms of the present law;
- l) the representative body of the party in relations with public authorities and third parties.

Art. 10. - The political programme of the party shall have to be presented in written form and approved by the general assembly of its members, by the assembly of their delegates, or by the statutorily empowered bodies.

Art. 11. - (1) As subdivisions, political parties may have territorial organizations with a minimum number of members provided by the statutes.

(2) The local bodies may represent the political party in relation with third parties at the corresponding local level, they may open bank accounts and account for their management.

Art. 12. - (1) The general assembly of members and the executive body shall be compulsorily leading authorities of the political party and of its territorial organizations. The leaderships of the territorial organizations shall be elected for a period determined and provided by the statutes.

(2) The statutes may provide other bodies, too, which shall contribute to the formation of the political will. In this case, their powers and duties shall have to be explicitly formulated in the statutes.

Art. 13. - (1) The general assembly of members of the political party or of their delegates shall be the supreme decisional body of the party at national level. Its convention shall take place at least once every four years. Extraordinary assemblies may be convened during this interval, too.

(2) Delegates at the assembly shall be elected by the territorial organizations by secret ballot. Their number shall be established as a function of the number of members. Their nomination and election procedures shall be provided under the statutes.

Art. 14. - (1) For the settlement of differences between members of a political party, or between them and the leaderships of the party's organizations arbitrament bodies shall be constituted at party level and at that of its territorial organizations.

(2) Members of the arbitrament body shall be elected for a duration of not more than four years.

(3) The arbitrament body shall work in agreement with regulations which shall provide the right of the parties to be heard and equitable decision procedures.

Art. 15. - (1) Empowered bodies of the political party shall decide the acceptance of members under the terms established by the statutes.

(2) Members shall have the right to resign from the party at any time with immediate effect.

(3) No member can be excluded from the party unless he or she has violated the statutes deliberately, or prejudiced the party by his or her behaviour.

Art. 16. - (1) Decisions of the political party and of its territorial organizations shall be adopted by the vote of a majority provided under the statutes.

(2) The election of members of the leadership of the political party and of the leaderships of its territorial organizations shall be made by secret ballot.

(3) The statutes shall provide each member's right to political initiative and the possibility of its examination within an organized framework.

CHAPTER III

Registration of political parties

Art. 17. - (1) The application for the registration of a political party shall be lodged with the Tribunal of the Municipality of Bucharest, accompanied by:

a) the statutes and programme of the party;

b) the constitution deed together with the list of supporting signatures of at least ten thousand founding members, domiciled in at least fifteen of the Country's counties, but no less than three hundred in each county, accompanied by an authenticated declaration of the leader of the party's executive body with regard to the authenticity of the signatures;

c) the lists of members of the party from the county organizations or of the Municipality of Bucharest required for the registration of the parties, which shall include: the name, the father's initial letter, the first name, date of birth, domicile, identity card, signature;

d) a declaration with regard to the seat and patrimony of the party;

e) proof of the opening of the bank account.

(2) The registration application shall be signed by the leader of the executive body of the political party and by at least three founding members, who shall be summoned in court.

(3) The registration application shall be posted up at the seat of the Tribunal of the Municipality of Bucharest for a period of fifteen days and shall be made public in a central paper of high circulation.

Art. 18. - (1) The Tribunal of the Municipality of Bucharest shall examine the registration application of the political party in a public sitting, with participation of the representative of the Public Ministry.

(2) Interested natural or legal persons may intervene in the action at law if they hand in an application of intervention in their own interest according to the Code of civil procedure. The application of intervention shall be communicated ex officio to the people having signed the registration application.

Art. 19. - (1) The Tribunal of the Municipality of Bucharest shall deliver judgement on the registration application of the political party within not more than fifteen days after expiry of the term provided under Article 17, paragraph (3).

(2) Against the decision of the Tribunal of the Municipality of Bucharest, an appeal can be made at the Bucharest Court of Appeal within five days after the communication.

(3) The Bucharest Court of Appeal shall examine the appeal in a public sitting within not more than fifteen days after its registration.

(4) The decision of the Bucharest Court of Appeal shall be final.

Art. 20. - The political party acquires legal personality as from the date when the final decision of the court with regard to the admission of the application of registration was delivered.

Art. 21. - (1) The political parties whose registration applications were admitted shall be inscribed in the Register of political parties with the Tribunal of the Municipality of Bucharest.

(2) The resolution of admission of the registration of the political party shall be published in the "Monitorul Oficial" (Official Gazette of Romania).

Art. 22. - (1) The modification of the statutes or of the programme of the political party can be made under the terms provided by the statutes.

(2) The modifications approved by the competent body of the political party shall be communicated to the Tribunal of the Municipality of Bucharest for registration and examination according to the procedure provided under Articles 17, 18, and 19.

Art. 23. - (1) In case the court shall have turned down the application for the approval of the modification of the statutes, and the political party involved takes action on the basis of the modified statutes, the Public Ministry shall solicit the Tribunal of the Municipality of Bucharest to stop the activity of the party and strike it off the Register of political parties.

(2) The Tribunal of the Municipality of Bucharest shall deliver judgement on the request of the Public Ministry within fifteen days after its registration.

(3) Against the resolution of the Tribunal of the Municipality of Bucharest an interested party may lodge an appeal with the Bucharest Court of Appeal within five days after the communication of the resolution.

(4) The Bucharest Court of Appeal shall deliver judgement within fifteen days after the registration of the appeal, and its resolution shall be final and published in the "Monitorul Oficial" (Official Gazette of Romania).

CHAPTER IV

Association of political parties

Art. 24. - (1) Political parties may associate one with another on the basis of an association protocol, constituting a political alliance.

(2) Political alliances shall lodge the association protocol with the Tribunal of the Municipality of Bucharest and solicit its inscription in the Record register of political alliances.

Art. 25. - The constitution protocol of the political alliance shall have to mention the name, distinguishing mark, and electoral sign, if such be the case, the allied political parties, the objectives of the alliance, the mode of organization, and the decision factors.

Art. 26. - (1) Political parties and political alliances may constitute other forms of association, too, together with lawfully constituted non-party formations for the purpose of promoting some common objectives.

(2) The constitution protocol of the forms of association provided under paragraph (1) shall mention the name, distinguishing mark, if such be the case, allied organizations, objectives of the association, mode of organization and factors

of decision and shall be lodged with the Tribunal of the Municipality of Bucharest in order to be inscribed into the Register of other forms of association of the parties.

(3) The financial contribution of each non-party formation, member of a form of association provided under paragraph (1) may not exceed, over a period of one year, the equivalent sum of five hundred minimum wages in the economy.

Art. 27. - In case that the political alliance shall participate in elections with common lists, candidates must be members of a legally constituted political party, member of the political alliance.

Art. 28. - The objectives of the political alliances and of other forms of association of the parties as well as their mode of organization shall have to be in conformity with the provisions under Article 3 of the present law.

CHAPTER V

Cessation of the activity of political parties

Art. 29. - A political party shall cease its activity as a result of self-dissolution, of dissolution pronounced by way of a judgement or by a resolution of the Constitutional Court or as a result of a lack of activity found by the Tribunal of the Municipality of Bucharest, according to Article 31.

Art. 30. - Documents related to the self-dissolution of the political party shall be handed in within a term of not more than ten days to the Tribunal of the Municipality of Bucharest, in view of its striking off from the Register of political parties.

Art. 31. - In case that a political party should fail to designate candidates, alone or in an alliance, in two successive legislative electoral campaigns, in at least ten electoral districts, or should have failed to hold a general assembly over a period of five years, at the request of the Public Ministry, the Tribunal of the Municipality of Bucharest shall establish the cessation of its existence under observation of the procedural rules provided under Article 23.

CHAPTER VI

Finance of political parties

Art. 32. - Political parties may hold real property and personal property which are required for the achievement of their specific activities.

Art. 33. - (1) The financing sources of a political party may be:

- a) party members' dues;
- b) donations and legacies;
- c) incomes from its own activities;
- d) subsidies from the State budget, according to the annual budgetary law.

(2) Encashment and payment operations of the political parties shall be effected through Lei and foreign currency accounts opened in banks seated in Romania according to the law.

Art. 34. - (1) The amount of members' dues, their distribution and utilization shall be established by resolutions of the political party, according to the statutes.

(2) The total income from members' dues shall have no ceiling.

(3) The sum of the dues paid over the period of one year by a single person may not exceed fifty minimum basic wages country-wide. The country-wide minimum basic wage taken as reference shall be the one existing on January 1 of the respective year.

Art. 35. - (1) Donations received by a political party over a period of one year may not exceed 0.005 per cent of the State budget income in the respective year.

(2) In the financial year in which parliamentary, presidential or local elections take place, the ceiling in the above paragraph shall be double.

(3) The donation received from a natural person over a period of one year may not exceed one hundred minimum basic wages country-wide in the respective year.

(4) The donation received from a legal person over a period of one year may not exceed five hundred minimum basic wages country-wide.

(5) On receiving a donation, the verification and registration of the donor's identity shall be obligatory. At the donor's request its identity may remain confidential, but not for a yearly donation greater than ten minimum basic wages country-wide. The total sum received by a political party as confidential donations may not exceed twenty per cent of the maximum subsidy granted from the State budget to a political party in the respective year.

(6) The list of donors with sums greater than ten minimum basic wages country-wide shall be published in the "Monitorul Oficial" (Official Gazette of Romania) up to March 31 of the following year.

(7) Donations of material goods or sums of money obviously made to obtain a political or an economic advantage are prohibited.

Art. 36. - (1) Political parties may not receive donations from public institutions, from self-managed public companies, from trading companies, and from banking companies with majority State capital.

(2) Donations from other states or organizations from abroad shall be forbidden, except donations consisting in material goods required for the political activity, 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).

Art. 37. - Political parties may not carry on activities specific to trading companies, except:

a) the publication, realization, and circulation of publications or of other of their own political, cultural and propaganda materials;

b) entertaining, spotting, and cultural actions;

c) internal services;

d) letting out of their own space for conferences and sociocultural actions;

e) bank interests;

f) sale of goods from the patrimony, except those received as donations from abroad.

Art. 38. - Propaganda materials and publications shall compulsorily contain the name of the political party or of the political alliance or of other forms of association of the political parties by which they were published, as the case may be.

Art. 39. - (1) The political parties shall receive yearly subsidies from the State budget, under the terms of the law. The subsidy shall be transferred monthly to the account of each political party through the budget of the Government's Secretariate-General.

(2) The sum allocated yearly to political parties may not be greater than 0.04 per cent of the State budget income.

(3) Political parties which are represented at the beginning of the legislature by a parliamentary group at least in one Chamber shall receive a basic subsidy. The total of basic subsidies shall represent one third of the budgetary subsidies allocated to political parties.

(4) Political parties represented in Parliament shall also receive a subsidy in proportion to the number of mandates obtained. The sum due for one mandate shall be established by dividing the remaining two thirds of the subsidies from the State budget for political parties by the total number of parliamentarians.

(5) The total subsidy granted from the State budget to a political party after these operations may not exceed five times the basic subsidy.

(6) Political parties having no parliamentary mandates, but having obtained at least two per cent of the votes cast, shall receive equal subsidies, which shall be established by dividing the unconsumed sum, according to the provisions under

paragraph (5), by the number of the respective political parties. The total sum granted to non-parliamentary parties may not be greater than a basic subsidy.

(7) The sums unconsumed by redistribution, according to the provisions under paragraph (6) shall be distributed to the parliamentary political parties in proportion to the number of mandates.

(8) The sums unconsumed at the end of the financial year shall be carried forward to the next year.

Art. 40. - (1) Income from budgetary subsidies may be used for:

- a) material expenses for the maintenance and functioning of the seats;
- b) personnel expenses;
- c) propaganda and press expenses;
- d) expenses with regard to the organization of activities with a political feature;
- e) travel expenses;
- f) telecommunications expenses;
- g) expenses with delegations from abroad;
- h) investments in real property and personal property required for the activities of the parties.

(2) The opportunity and efficiency of these expenses are to be decided upon by the elected bodies of the political parties.

Art. 41. - (1) Local authorities shall ensure with priority spaces for the seats of the political parties, at their motivated request.

(2) The letting out of spaces for seats of the political parties shall follow the legal regime provided for the letting out of spaces for habitation.

(3) Political parties shall be exempt from the payment of taxes on buildings which are their own property.

(4) Political parties ceasing their activity as a result of self-dissolution, dissolution by delivery of final court judgements, or of non-registration according to the provisions under Article 46, paragraph (2) shall be obliged to hand over to the local public authorities, within sixty days, the spaces held by rental contract concluded with their agreement, too.

(5) The Tribunal of the Municipality of Bucharest shall communicate to the prefects the cessation of the activity of the political party with a view to the taking over of the seats by the local public authorities through the bailiffs.

Art. 42. - (1) Income achieved from activities provided under Article 33 shall be exempt from taxes and duties.

(2) Donations received from abroad, provided under Article 36, shall likewise be exempt from customs duties.

Art. 43. - Payment of all expenses linked to telecommunications, electric power, thermal energy, natural gas, water, sewers shall be made at the tariff for habitation spaces.

Art. 44. - The Court of Audit is the body entitled to check the observance of the provisions under Article 33, paragraph (2), Article 34, paragraph (3), Articles 35 to 37, and Articles 39 to 41 with regard to the financing of political parties.

Art. 45. - Donations accepted by political parties with violation of the provisions under Articles 35 and 36 or by those in one of the situations provided under Articles 23 and 29 shall be made income to the State budget on the basis of the resolution of the Jurisdictional College of the Court of Audit.

CHAPTER VII

Final and transitory provisions

Art. 46. - (1) Political parties existing at the date of the coming into force of the present law shall continue to function on the basis of the legal deeds of registration valid at the date of setting up.

(2) Within six months after the coming into force of the present law, the existing political parties shall comply with its provisions, following the legal procedure established under Articles 17 to 19.

(3) The term of six months for inscription is a limitation term.

Art. 47. - (1) The name of a political party, its symbol and electoral sign used by it after 1990 belongs to it by right if it was the first to use them, and may not be appropriated by other political parties.

(2) Provisions under paragraph (1) shall also apply to political alliances, under the terms of the electoral law.

Art. 48. - The organizations of citizens belonging to the national minorities participating in elections shall be obliged to observe, correspondingly and if such be the case, the provisions under Articles 2 to 4, 7, 16, 34 to 43, and 47.

Art. 49. - The Decree-Law No. 8/1989 on the registration and functioning of political parties and of public organizations in Romania shall be abrogated.

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