

LAW no. 8580, dated 17 February 2000

ON POLITICAL PARTIES

(updated as of 22 May 2017)

In reliance on articles 9, 78 and 83 point 1 of the Constitution, on the proposal of the Council of Ministers,

**THE ASSEMBLY
OF THE REPUBLIC OF ALBANIA**

D E C I D E D:

**CHAPTER I
GENERAL PRINCIPLES**

Article 1

Political parties are voluntary unions of citizens on the basis of joint political interests, ideas, beliefs and points of view or interests, who aim at influencing the life of the country through participation in elections and representation of the people in the elected organs of power.

Article 2

Political parties take part in the formation of the political will of the people in all fields of public life and especially through:

- a) influencing the creation of public opinion and political education;
- b) encouraging active participation of citizens in political life and providing evidence of the ability of citizens to undertake public responsibilities;
- c) participation in general and local elections.

Article 3

Albanian political parties are part of a free and democratic system of government in the country. Their creation and activity are free and guaranteed by the Constitution.

Article 4

In the activity for reaching their goals, political parties use only democratic methods and means.

Article 5

The activity of political parties may extend to the whole territory of the Republic of Albania or to several units of the territorial administrative division of the country.

Article 6

Political parties are prohibited from creating organizations of a military or paramilitary nature.

Article 7

The registration of a party is prohibited in cases when:

- a) its internal organization is in violation with democratic principles and, particular, with the following principles: construction of the party from bottom to top, internal democratic elections for the party forums; the right of every member to express his opinion; the freedom to enter and leave the party; the right of every member to vote and to be elected;
- b) in the documents of foundation of the party, it is expressly mentioned or, from their content, it comes out that they are in violation of the constitutional provisions that prohibit the creation of parties or party structures in the fields and institutions contemplated by them;
- c) the party was created outside the territory of the Republic of Albania;
- ç) in the documents of its formation, the purpose of using force to take power or to influence state policy is expressed;
- d) in the documents of its formation, the encouragement and support of racial, religious, regional or ethnic hatred is expressed;
- dh) it relies on totalitarian methods or has a secret nature;
- e) another party is registered with the same name.

Article 8

Unconstitutional activity of political parties is prohibited.

The determination of unconstitutional activity of a political party and its prohibition is decided by the Constitutional Court.

CHAPTER II THE CREATION OF POLITICAL PARTIES

Article 9

The registration of political parties is done in the court of the first level of the district of Tirana, which keeps the register of political parties. In the registry of political parties there is indicated: the numerical order of registration, the protocol number [number of the official document], the number of the judicial decision, the date of announcement, the disposition of the decision, the full name of the party, the initials of the party, the emblem of the party, a description of the configuration of the seal, the name of the chairman, notes about the change of the name, configurations of the seal or chairman of the party, the expunging or ending of the activity of the subject, the date the note was made, and the name and signature of the competent employee.

The political party is recognized as a juridical person from the date when the court has approved and registered it.

Until the date of registration, the founders of the party may perform actions that are necessary for its organization, such as, especially, the calling and holding of the meeting of the founders and the election of the management organs, but they may not perform activity as a political party.

Article 10

After the meeting of the founding members of the political party has approved the documents of the party, its program, status and management organs, a request for its registration is submitted to the court.

The request for registration of a political party shall be signed by no less than 3000 Albanian citizens, its founding members, with a permanent domicile in the Republic of Albania.

The request for registration of a political party shall be deposited to the secretariat of the Court of First Instance of Tirana Judicial District, and must contain, for each founding member:

- A) name and surname;
- B) personal number;
- C) residence.

In the decision of the political party registration, the court also indicates the number of founding members.

Article 11

In the documents for the registration of a political party, there are set out:

- a) the name and headquarters of the party;
- b) its purposes and duties;
- c) the leading organs and the construction of the party;
- ç) number of founding members

Article 12

The name of a party shall be clearly distinguishable from that of other existing parties. The initials and emblems of the political parties shall not be the same.

Only the names or initials of political parties that are registered are used in the elections.

Article 13

The registration of a political party is done within 30 days from the date of submission of the request for registration and the documents contemplated in article 10 and 11 of this law.

In the case when the documents of the political parties are not proper, the court returns the request within 20 days for the respective additions to be made.

Article 14

The provisions of this law for the registration of political parties are equally valid for amendments and deletions in the prior registrations.

The request for amendments in the register of political parties is done by the organ of the party that has representation toward third parties in its competency.

Article 15

The court decision for registration or non-registration of political parties in the register of political parties may be appealed to the court of appeals of Tirana within 15 days from the date the court decision is announced.

CHAPTER III FINANCIAL MEANS AND MATERIALS OF THE PARTIES

Article 15/1

1. The provisions of this chapter shall regulate the funding of political parties from financial and material resources, public and non-public, which are not regulated by the provisions of the Electoral Code.
2. The funding of political parties shall be guided by the principle of transparency. Data on the parties' financial resources and expenses shall be published at any [given] time.
3. The rules on monitoring, supervision and auditing of financial and material resources must observe at all times the equality of political parties before the law and must not infringe their right to be established freely.

Article 15/2

1. The Central Election Commission is the body responsible for the monitoring and supervision of the funding of political parties according to the rules of this law.
2. The Central Election Commission, based on and in order to implement this law, has the following competencies:
 - a. It drafts and adopts both rules on reporting of funding, on monitoring, supervision and financial auditing of political parties, and standardised templates of annual financial reporting;
 - b. It approves both the template of the special record book [register] of non-public funds of political parties, and the template on the form and content of the statement of donations of non-public funds;
 - c. It selects certified accounting experts and assigns them by lot to audit the funds and expenses of political parties;
 - ç. It monitors, supervises and audits the funding of political parties through checks on financial documentation and accounts of political parties, entities linked directly or indirectly with or under the control of political parties;
 - d. It imposes sanctions when it ascertains infringements of the provisions of this law;
 - dh. It drafts guidelines and awareness-raising programmes, and organises training sessions on the funding of political parties and entities involved in this process, in accordance with the provisions of this law;

- e. It determines the amount of public funds each political party shall receive annual financial aid, in accordance with this law;
- ë. It issues subordinate legal acts based on and in order to implement the provisions of this law”.

Article 16

Political parties are juridical persons. They have property for performing their activity. Political parties have their means of propaganda, as well as the respective institutions for realizing them.

Article 17

The financial sources and materials of the political parties consist of

- a) membership dues;
- b) public funds including the financial assistance in the amount set in the State Budget, approved by law by the Assembly.
- c) non-public funds, which are financial donations, in-kind donations, services, sponsorships, loans or guarantees, as well as any other financial transaction.

Article 19

1. A fund which shall serve as public financial aid for the annual activities of political parties shall be allocated each year in the State Budget. The financial aid foreseen in the state budget during non-electoral years, as a rule, shall not be less than the aid foreseen in the preceding year.

2. The fund shall be divided according to the following rules:

- a) 70 percent shall be divided according to the number of seats obtained in the last parliamentary elections. Each party sitting in parliament shall be entitled to financial aid in accordance with the number of seats obtained based on the proportional system;
- b) 20 percent shall be divided equally among parliamentary parties and the parties which have received more than 10 thousand votes in the last parliamentary elections;
- c) 10 percent shall be divided according to the percentage obtained among [by] the political parties that took part in the last parliamentary elections and obtained over 1 percent of the votes.

The non-allocated remainder of the 10 percent shall be added to the 70 percent fund and it shall be divided among parliamentary parties.

3. The concrete amount of the public fund received by each political party in the form of annual financial aid in compliance with this law shall be determined by a decision of the Central Election Commission. Both the beneficiary political parties and Ministry of Finance shall be notified of this decision.

4. In any case, annual financial aid shall be awarded on the proviso that political parties have already submitted the financial report of the preceding year according to the rules defined by

the Central Election Commission. Failure to submit annual financial reports shall lead to exemption of political parties from receipt of annual financial aid.

5. Appeal against the decision of the Central Election Commission which sets the exact amount of public funds for each political party may be filed with the court in line with rules on the reviewing of administrative disputes”.

Article 20

The creation by political parties of commercial and non-commercial juridical persons that exercise activity with the purpose of profit is prohibited.

Political parties may use their property and premises for economic-social activity of the nature of publications, printing presses, services or leasing, according to the legislation in force.

Article 21

Financial assistance and materials from foreign public or private entities and from government is prohibited, or from Albanian public entities or those with the participation of state capital.

Gifts and assistance that come from a party or international union of parties, from political foundations and organizations, Albanian and foreign, and from individuals who are Albanian private natural and juridical persons is permitted.

Article 22

The state facilitates the activity of political parties. The facilitation by the state of the activity of political parties includes the following fields:

a) Parties have the right to use, without compensation, the public mass media in the case of electoral campaigns and referenda.

b) parliamentary parties obtain premises (headquarters) for their central and local offices.

The right to obtain premises belongs also to the political party with the average of votes over the last three parliamentary elections was over 1 percent nationwide.

c) if the party is equipped with a lease contract building, according to this law, but does not meet the requirements of the letter" b "of this article, it (the party) shall have the right to conclude a lease contract for the building, only for headquarters or its local offices use. More detailed rules are defined by the Council of Ministers on proposal of the Minister of Interior.

Article 22/1

1. The request for premises according to Article 22, letter “b” shall be submitted in writing to the Minister of Interior, in relation to state properties under the administration of central government, and to the Mayor in relation to properties which are owned or leased by local

government. They shall take all necessary measures to provide the parliamentary party with premises.

2. Once free premises are identified, where appropriate, either the Minister of Interior or the Mayor shall conclude a lease contract with the political party. Should no free premises be identified, the state, through the Ministry of Finance, shall take upon itself to pay the rent of the party headquarters and its local offices. The lease contract or rental payments shall continue for as long as the political party exercises parliamentary activity.

3. Detailed rules on the type of document, administrative procedure of reviewing the request, payment methods, number of premises for local offices and rent ceiling shall be defined by the Council of Ministers on proposal of the Minister of Finance”.

Article 23

1. Political parties shall submit financial reports to the Central Election Commission once per annum.
2. The annual reports must contain detailed information:
 - a. on funding sources based on the standardised template approved by the Central Election Commission;
 - b. on expenses based on the standardised template approved by the Central Election Commission;
 - c. (information) provided by the political party itself on subjects directly or indirectly linked to or under the control of political parties themselves.
3. Political parties shall submit the annual financial report along with the auditing report drawn up by certified accounting experts in accordance with the provisions of this law.
4. The annual financial report shall be submitted either by the person in charge of finances at the political party or by an individual assigned [to carry out this duty] by the statute of the political party within the timeframe defined by the Central Election Commission.
5. During an election year, the financial reports of the political party must be submitted with the financial report of the election campaign.
6. The annual financial report, the report of the certified accounting experts, the financial report of the election campaign and the report of the Central Election Commission shall be published in the official website of the Central Election Commission no later than 30 days from the date of their submission by the political party”.

Article 23/1

1. Each political party must record in a special record book, according to the template approved by the Central Election Commission, the amount of funds received by any natural or legal person, and data clearly defining the identity of the donor. When awarding the donation, the donor shall at all times be obliged to sign a donation statement, in accordance with the template approved by the Central Election Commission.

The list of persons who donate funds of not less than one hundred thousand ALL along with the respective amount [donated] shall be made public at all times.

2. The donation of non-public funds in excess of one hundred thousand ALL must be made only through a special bank account opened by the political party. The person in charge of finances at the political party shall notify the Central Election Commission of the bank account number opened for this very purpose no later than three months from the establishment of the political party. The bank account number of each political entity shall be published in the official website of the Central Election Commission.
3. Receiving non-public funds donated by entities which fail to declare their identity, or whose identity is not clearly identified by the political party that is the beneficiary of the non-public fund, shall be prohibited.
4. All political party expenses shall be incurred and documented in compliance with the tax legislation in force.

Article 23/2

1. The CEC holds in implementing this law, the list of certified accounting experts, including all certified accounting experts with experience, who practice the profession over the last five years, and which apply for conducting political parties auditing.
2. The Central Election Commission shall assign by lot one or more certified accounting experts from the list it has selected itself in accordance with this law to audit the funds received and used by the political party throughout the calendar year. The assignment shall take place no later than 45 days from the registration of the political party and at the beginning of each calendar year. The auditing report shall be submitted to the Central Election Commission within the timeframe set by the CEC when it decided on the assignment of the experts.
3. Political parties must make available to the expert assigned by the Central Election Commission any information, document or data concerning the funds and expenses incurred during the calendar year, in accordance with this law.
4. The Central Election Commission may verify the data on the report by interviewing individuals and various entities, by checking the documents related to this issue with the respective offices of the political parties that have submitted the report, as well as by obtaining information from the banks or any other third persons. Natural and legal persons are obliged to assist in the smooth running of the verification procedure.
5. The Central Election Commission shall publish the political party auditing report no later than 30 days from the date the report was submitted, or where appropriate, from the date the verification procedure was completed.
6. The failure of political parties or donors to comply with the rules defined in this law shall be deemed an administrative offence, unless it constitutes a criminal offence, and it shall be punished according to the provisions of this law.

Article 23/3

1. In any case, an accounting expert may not audit the same political party for two consecutive years.
2. The expenses needed to audit the political parties shall be covered by the political parties themselves. Political parties shall transfer the sums needed for this purpose to the bank account of the Central Election Commission. Detailed rules on the running of this process shall be defined by way of an instruction issued by the Central Election Commission.

Article 23/4

1. The infringement of the provisions of the funding of political parties by the person in charge of finances within the political party or the individual assigned by the party statute [to carry out this duty] shall be punishable by a fine of 50 000 to 100 000 ALL.
2. The infringement of the obligation of the political party to cooperate with the certified accounting expert assigned by the Central Election Commission shall be subject to a fine of 1 000 000 to 2 000 000 ALL.
3. Failure or refusal to make the financial sources of the political party transparent or to allow the auditing by the certified accounting expert of Central Election Commission to take place shall be subject to a fine ranging from 2 000 000 ALL to 5 000 000 ALL and/or a five-year suspension to fund the political party.
4. The failure to submit the financial report within the established timeframe or the submission of reports which fail to comply with the standardised template approved by the Central Election Commission shall be subject to a fine of 50 000 to 100 000 ALL.
5. Non-public funds received by the political party, if the identity of the donor is unknown or not clearly defined, shall be passed on to the Central Election Commission.
6. Receipt of non-public funds in excess of one hundred thousand ALL and the failure to go through with the transaction through a bank account shall be subject to a fine of 30% of the donated amount”.

Article 24

In cases when a political party does not pay its obligations deriving from executive titles or applicable administrative acts, then the respective amount is retained from the annual state budget that is contemplated for financial assistance to the respective party.

“CHAPTER III / 1 (added as of 22.5.2017)

FINANCIAL ASSETS AND EXPENSES OF POLITICAL PARTIES DURING ELECTION CAMPAIGN

Article 24/1

Election Campaign Financing

1. The only allowed sources of electoral campaign funding for political parties registered as electoral subjects are those provided for in Article 87/1 of the Electoral Code.

2. It is forbidden to finance electoral campaigns from funds, gifts or services without counter-charge, provided by physical or legal persons, domestic or foreign, out of the cases and rules provided by the Electoral Code. Violation of this prohibition brings legal responsibility for the person responsible for finances in the political parties, as well as physical or legal person, domestic or foreign.

3. The Central Election Commission establishes detailed rules for monitoring the election campaign expenditures of political parties registered as electoral subjects, To verify the observance of the detention provided for in point 2 of this article, as well as the manner of spending the financial fund benefited by the political party. The election budget should also provide the necessary funding for the audit of electoral subjects, as well as to monitor the election campaign expenditures.

Article 24/2

Limitation and determination of the indispensable expenses for the election campaign

1. Each political party participating in elections, can not exceed the expense for financial campaign fund specified in paragraph 3 of Article 90 of the Electoral Code.

2. Central Election Commission, in accordance with the maximum fund provided for in paragraph 1 of this Article, determines the maximum expenditure for each election campaign, based on the overall economic situation in the country, the total number of voters enrolled in the voter list, the activities, services and materials necessary for the conduct of an election campaign.

3. The Central Election Commission shall approve the manner of calculating the financial cost of any activity, service or material to be used for election or political purposes by political parties during the election campaign.

4. The Central Election Commission determines by an instruction the types and number of activities, activities, services and materials allowed to be used by a political party in the electoral field.

5. In any case, the use of propaganda materials, including flags and posters of any kind or size, is prohibited at a distance of more than 5 m from the electoral subject or candidate electoral office.

6. It is forbidden to broadcast commercials produced, funded or paid by state institutions or any other state or public entity for the period of three months before the election date, except for those serving the information of voters, according to legal definitions.

7. Failure to comply with the rules provided for in this article, except for the provisions of the Criminal Code, constitutes an administrative contravention and passes the punishment by the Central Election Commission of the person responsible for the finances, respectively with a fine from 1 000 000 to 3 000 000 lekë.

Article 24/3

Documentation of expenditures

1. Political parties are obliged to document in a correct and complete manner, according to the rules of the legislation in force, all the expenses incurred and the manner of using the funds during the election campaign. All persons responsible for finances in a political party are trained by the Central Election Commission for the maintenance, administration, reporting and retention of documentation and data under this article.

2. The political party submits to the Central Election Commission a full copy of the documentation for each payment made during the election campaign period. Within 60 days of the announcement of the election result, any political party that is registered in the elections must make public and submit to the Central Election Commission a report on the financial declaration of the campaign, including all branches and their constituent parts.

The report contains correctly:

a) The income earned or available by the political party, including the source and date of the benefit for the period from the setting of the election date until Election Day;

b) All expenses incurred for the period from the setting of the election date until Election Day, detailing any expenses that have been made to the financial fund provided for election campaign expenditures;

c) The balance sheet of the assets and liabilities of the political party for the period from the setting of the election date to the Election Day.

3. Each political party participating in elections should keep and preserve in their archives for a period of seven (7) years, Full and detailed documentation of its financial standing and all branches for the period covered by the report, including:

a) Accounting books, in accordance with the applicable law, where all revenue by source, amount, identifying the manner in which the payment was made, as well as all payments made to third persons, the purpose of the payment and How the payment was done;

b) Accurate documentation of all expenses incurred;

c) The situation and movements in its bank accounts;

ç) Complete documentation of immovable property in possession or owned by a political party, as well as any contracts related to the lease, lease, order, or sale of movable and immovable property;

4. If the amount earned by the political party, according to the Electoral Code, is greater than the amount documented as spent for financing the election campaign, The party is obliged to return the difference received to the CEC.

5. The Party, which does not return the respective funds, according to point 4 of this article, within 90 days from the announcement of the election result, loses the right to other public funding for a period of time not less than 5 years, and does not register as an electoral subject in the next election, regardless of their type, either alone or as a member of any coalition.

Article 24/4

Monitoring of election campaign expenses

1. No later than the start of the election campaign, The Central Election Commission appoints a sufficient number of financial experts by lot, To conduct the election campaign monitoring of political parties, including the activities, activities and materials used by them during the election campaign.

2. The monitoring report is submitted to the Central Election Commission within the deadline set in the appointment decision, But in any case no later than 4 months from the date of the announcement of the final election results. The report details in full all the activities, events and materials used by the political party during the election campaign.

3. Financial experts are also entitled to request and verify financial transactions conducted for the period of 3 months before and after election day, by physical or legal persons, domestic or foreign, with the purpose of identifying unjustified transactions and that may have been used for unlawful financing of the election campaign of one or several political parties.

4. At the request of the financial expert, forwarded through the Secretary General of the Central Election Commission, Second tier banks and other entities exercising banking and financial activities in the Republic of Albania, are required to provide information on deposits, accounts and transactions conducted during the monitoring period. Data collection, processing and administration, under this article, is subject to the rules for the protection of personal data. They should be public only if it is proved to be used for illegal financing of a political party, and in this case the Central Election Commission submits a criminal report to the prosecution body.

5. The procedures, the criteria for selecting the preliminary list and the appointment of financial experts, as well as the manner of exercising their activity, are determined by the instruction of the Central Election Commission.

Article 24/5

Reducing political party spending for political advertising

1. Exceptionally stipulations of the Electoral Code, during the election campaign for the 2017 Assembly elections, National, local or satellite radio and television stations are obliged to make available free of charge to electoral subjects for political advertising, Respectively only 90 minutes for the largest party of the parliamentary majority and the largest party of the parliamentary minority, 45 minutes for the other parliamentary parties and 10 minutes for the non-parliamentary parties. Political parties and any other subjects are prohibited from making political advertisements versus payment during the election campaign. The cost of making available free time to electoral subjects is calculated as a full deductible tax expense. The Central Election Commission, the Audiovisual Media Authority and the Minister of Finance are charged to issue the relevant instruction.

2. In case of a violation of the obligations provided for in paragraph 1 of this article, or the transmission of political advertisements versus payment, the Central Election Commission fines the local or satellite radio-television operator with 4 000 000 ALL, National radio and television operator with 8 000 000 lek, and the political party with 3 000 000 lek. The decision of the Central Election Commission is an executive title and is executed by the bailiff's office. The appeal against the decision does not suspend its execution. In case of a violation, the CEC orders the Audiovisual Media Authority to block the transmission of the radio-television operator for 48 hours. The deadlock is set no later than 18.00 hrs of the following day.

3. Monitoring the implementation of the rules provided for in this article, Is done by the Media Monitoring Board, Which informs the Central Election Commission, within one day, if its consideres violations of the obligations set out in this Law. The Central Election Commission shall impose sanctions according to point 2 within 24 hours from the moment of notification by the Media Monitoring Board or the request of any electoral subject.

CHAPTER IV DIVISION OF POLITICAL PARTIES

Article 25

In the case of a division of a political party by agreement, the parties decide on who the name, symbol, flag of the party and its property belong.

When there is no agreement between the parties, this is done by court decision.

CHAPTER V DISSOLUTION OF POLITICAL PARTIES

Article 26

A political party is dissolved:

- a) when it merges into or joins with another party;
- b) when it is divided into two or more other parties with a new name;
- c) when it dissolves itself in accordance with the norms of its charter;
- ç) when the number of members of the party has gone below the minimum number set by the charter or according to this law;
- d) when its activity is prohibited by order of the competent organ.

A decision for the dissolution of the political party is deposited in the court of the first level of the district of Tirana. This court decides on the deregistration of the party and the respective procedures for its liquidation.

CHAPTER VI TRANSITIONAL AND FINAL PROVISIONS

Article 27

Within 30 days from the date of entry of this law into force, the Minister of Justice transfers to the court of the first level of the District of Tirana the documents of the political parties registered by it up to the date of the entry of this law into force.

The court of the first level of the District of Tirana makes the transfer into its special register for political parties within 90 days from receiving the documentation at its disposal.

Article 27/1

(Amended by Law No. 10374, dated 10.2.2011)

1. The Agency for the Inventory and Transfer of Public Properties, within 6 months from the entry into force of this Law, performs:
 - a) the inventory of immovable state properties given to political parties;
 - b) Identification of the legal relationship established between the state and the political party for the property given to the political party.
2. After the completion of the inventory process of these properties, the Minister of Interior informs the political party that within a 30 day deadline:
 - a) release and submit these properties, if the condition referred to in letter "b" of Article 22 is solved. Or
 - b) to conclude a lease contract in accordance with the letter "c" of Article 22
3. The same procedure is also applied by the governing bodies of the local government units for state property transferred to the ownership
4. Upon the entry into force of this law, the Minister of Finance, if the condition stipulated in letter "b" of Article 22 is resolved, orders the termination of payment of the rent of political parties, if any, from the funds of the State Budget

5. The person responsible for the finances in the political party or the person designated in its statute shall within three months from the entry into force of this law declare to the CEC the number of the open bank account for the donation of non-public funds more than 100,000 ALL, in favor of the political party.
6. The Central Election Commission shall compile the preliminary list and assign within 45 days from the date of entry into force of this law, by lot, of one or more licensed accounting experts, to perform the audit of the funds received and spent during the year Calendar by the political parties, setting the deadline for submitting the audit report to the Central Election Commission.

Article 27/2

The financial effects deriving from the implementation of Law 17/2014 for the budgetary year 2014, extend only for the period from its entry into force to the end of the year

Exceptionally for 2014, the Ministry of Finance, in cooperation with the CEC, determines the amount of the public fund benefiting each political party, in the form of annual financial assistance, in accordance with this law.

Article 28

Law Nr. 7502 dated July 25, 1991 “On Political Parties” and every provision that conflicts with this law is repealed.

Article 29

This law is effective 15 days after publication in the Official Journal.