

**Law no. 334/2006 on the financing of political parties' activity and electoral campaigns,
republished**

Chapter 1. General provisions

Art. 1. - (1) The present law regulates the financing of political parties and election campaigns as well as the control of financing of political parties and electoral campaigns.

(2) The principles of financing of political parties and election campaigns are:

- a) the principle of legality;
- b) the principle of equality;
- c) the principle of transparency of revenue and expenditure;
- d) the principle of independence of political parties and candidates to donors;
- e) the principle of political and electoral competition integrity.

Art. 2. - Political parties can own, under the law's conditions, movable and immovable (real estate) assets that are necessary for the accomplishment of their specific activity.

Art. 3. - (1) The financing sources for the activity of a political party are:

- a) party membership fees;
- b) donations, legacies and other liberalities;
- c) income from the party's own activities, according to art. 12;
- d) subsidies from the state's budget;
- e) money loans from natural and legal persons.

(2) Political parties can borrow money only on the basis of authentic notarial acts, under penalty of nullity, accompanied by documents attesting the handover, the contract having to provide for the manner and deadline of the refund.

(3) The deadline stipulated under paragraph (2) shall not exceed 3 years.

(4) Loans and refunds can be made only via bank transfer.

(5) Cash loans which are not repaid within the period specified in paragraph (3) can constitute (*can be transformed into*) donations only with the consent of the parties and only if the ceiling imposed for donations in that year provided by art. 5 para. (1) is not reached, up to that ceiling.

(6) Loans which have a value greater than 100 minimum gross salaries are subject to the conditions laid down in Art. 9.

(7) Lending by political parties, political or electoral alliances and independent candidates to natural or legal persons is prohibited.

(8) Political parties and their territorial organizations, including those created in the districts of Bucharest, are obligated to organize their own accounts, according to the applicable accounting regulations.

(9) Collection and payment operations of political parties and their territorial organizations are carried out through bank accounts in lei and foreign currency accounts opened at banks established in Romania and in cash according to the law.

(10) Income from activities under para. (1) lett. c) is exempted from taxes.

Art. 4. - Political parties', political alliances' and organizations of national minorities' expenditure efficiency and opportunity are decided by their governing bodies, according to their statutes.

Chapter 2. Private financing

Section 1. Membership fees

Art. 5. - (1) The amount, repartition and usage of the membership fees are set by decisions of the political party, according to its statute.

(2) The total income coming from membership fees is not limited.

(3) The amount of the membership fees paid by a member per year cannot exceed 48 minimum gross salaries. The minimum gross salary used as reference is the one valid at the 1st of January of that year.

(4) The political parties have the obligation to publish in the Romanian Official Journal, 1-st part, the total amount of the income from the membership fees, as well as the list of the members who paid in one year membership fees within the amount of 10 minimum gross salaries, until 30th of April next year.

(5) The list stipulated at para (4) shall contain the following mandatory elements: the full name of the party member, citizenship, the value and the date the membership fees were paid.

Section 2. Donations

Art. 6. - (1) Donations received by a political party in a fiscal year may not exceed 0.025% of the revenue provided for in the State budget for that year.

(2) The value of donations received from an individual in a year is limited to the equivalent of 200 gross minimum basic wages, as of 1 January of that year.

(3) The value of donations received from a legal person in a year can be up to 500 gross minimum basic wages, as of 1 January of that year.

(4) The total amount of donations made by legal entities directly or indirectly controlled by another person or a group of natural or legal persons may not exceed the limits provided in par. (2) and (3).

(5) The market value of movable and immovable assets donated to the party, as well as of the services provided to the party free of charge, counts towards the value of donations within the limits provided in par. (1), (2) and (3).

(6) The assessment of goods and services provided in par. (5) shall be performed by certified appraisers according to Government Ordinance no. 24/2011 regarding certain measures in the field of property valuation, approved with amendments by Law no. 99/2013, as amended and supplemented.

(7) Legal persons are prohibited from making donations to political parties if at the date of the donation, they have outstanding debts older than 60 days from the state budget, social security budget and local budgets to make donations to political parties, except when they recovered funds higher than its own debt.

(8) In making the donation, the political party has a legal obligation to ask the legal person to submit a donor affidavit concerning the conditions specified in para. (7).

(9) Political parties are forbidden to accept under any form, directly or indirectly, donations of material goods or money or free services which are made with the obvious purpose of obtaining an economic advantage or in violation of par. (8).

Art. 7. - (1) Loans received by a political party in a fiscal year may not exceed 0.025% of the revenue provided for in the state budget for that year.

(2) Loans received by a political party from an individual in a year can be up to 200 minimum gross salaries, at the value of 1 January of the same year.

(3) The funds of loans received by a political party from a person in a year can be up to 500 minimum gross salaries, at the value of 1 January of the same year.

(4) The total value of loans to political parties made by legal entities directly or indirectly controlled by another person or a group of natural or legal persons shall not exceed the limits provided in para. (1) - (3).

(5) The provisions of art. 5 para. (7) - (9) and of the art. 10 para. (1) - (3) shall apply accordingly.

Art. 8. - (1) Donations of estates as locations for political party headquarters are exempted from the requirements of art. 5 para. (2), (3), (4) and (5).

(2) Money donations for acquiring office buildings intended for the political party are exempted from the requirements of art. 5 para. (2), (3), (4) and (5).

(3) The political party is required to perform the task in para. (2) within the deadline and under the conditions stipulated in the contract of donation.

(4) The deadline for fulfilling the task laid down in para. (3) shall not exceed 2 years.

(5) Failure to meet the deadline provided in para. (4) entails cancellation of the exceptions provided in para. (1) and (2).

Art. 9. - Donations exceeding 10 minimum gross salaries shall be made only via bank accounts.

Art. 10. - Discounts exceeding 20% of the value of goods and services offered to political parties and independent candidates will be considered donations and they will be registered distinctly in the accounting books of the party or those of the independent candidate, according to regulations issued by the Ministry of Public Finances.

Art. 11. - (1) When receiving a donation, checking and registering the donor's identity, regardless of the public or confidential character of the donation, is mandatory.

(2) At the donor's written request, his/her identity may remain confidential, in the situation in which the donation is up to the limit of 10 minimum gross salaries at the national level for one year.

(3) The total amount received by a political party as confidential donations shall not exceed the equivalent of 0.006% of the income provided by the state budget for that year.

Art. 12. - (1) All donations, including confidential ones, shall be registered and highlighted in a proper way within the accounting documents, mentioning the date when the donations were made, as well as other information allowing for the identification of the financing sources and the donors.

(2) Donations of goods and free of charge services shall be registered in the accounting books at their market value.

(3) Voluntary activities deployed according to the law are not to be considered donations.

Art. 13. - (1) Political parties are obligated to publish in the Official Journal of Romania, Part I, the list of natural and legal persons who have made within one fiscal year donations whose cumulated value exceeds 10 minimum gross salaries, the list of natural and legal persons who have made loans whose value exceeds 100 minimum gross salaries, the total amount of confidential donations, and the total amount of loans with a value of less than 100 minimum salaries received, until the 30th of April of the next year.

(2) The list mentioned at para. (1) shall contain the following mandatory elements:

a) for natural persons - donor or loaner full name, citizenship, value, the type and date the donation or loan was made. In case of a loan the return deadline shall also be given;

b) for legal persons - name, address, nationality, unique registration code, value, the type of donation or loan and the date the donation or loan was made. In case of a loan the return deadline is also given.

Art. 14. - (1) It is forbidden to use the financial, human and technical resources belonging to public institutions, autonomous administrations, national companies, trade companies or banks where the state or territorial administrative units are main shareholders, in order to support the activity of political parties or their campaign, in another manner than the one set by electoral law.

(2) Political parties are not allowed to accept donations or free services from an authority or public institution, autonomous administrations, national companies, trade companies or banks with total or majority state capital.

(3) It is forbidden to accept donations from trade unions or religious cults, regardless of their nature.

(4) All the funds received by breaching the provisions of para (2) and (3) shall be confiscated and returned to the state budget.

(5) The provisions of para (1) - (4) shall be accordingly applied to political alliances, electoral alliances as well as independent candidates.

(6) Para. (1) - (4) shall apply accordingly to organizations of national minorities, with regard to the financing of election campaigns.

Art. 15. - (1) Accepting donations from other states or foreign organizations, as well as from natural persons who aren't Romanian citizens or from legal persons registered abroad is forbidden, with the exception of donations received from citizens of European Union Member States who have their domicile in Romania and who are members of the political party they made the donation to.

(2) Donations representing material goods necessary for the political activity, but which are not electoral propaganda materials, coming from international political organizations to which the party is affiliated or from political parties or political formations having political cooperation relations are excepted from the

provisions of para (1) above. Propaganda materials may be received, but only those that are used exclusively in the electoral campaigns for the election of the representatives of Romania in the European Parliament.

(3) Donations received under para. (2) shall be published in the Official Journal of Romania, Part I, until 30th of April of the next year.

(4) Excepting transportation vehicles, donations mentioned in para. (2) are exempted from customs duties.

(5) All the funds received by breaching the provisions of para (1) shall be confiscated and returned to the state budget

Section 3. Other income sources

Art. 16. - (1) Political parties are not allowed to perform activities specific to companies regulated by Law no. 31/1990 on companies, republished. The following activities are excepted, the political parties being permitted to obtain revenues from:

a) editing, elaborating and disseminating publications or other propaganda and political culture materials;

b) selling tickets and participation fees in meetings and seminars with a political, economic or social theme;

c) selling promotional materials bearing the logo or other markings of the political party;

d) services provided by party members to organize events referred to in letter b);

e) renting locations that are in their own patrimony for conferences or social-cultural activities and for organizing parliamentary offices;

f) selling land and buildings from their patrimony, but only after at least 10 years from their registration within the patrimony, with the exception of the political parties in course of dissolution. The 10 years term is not applicable for the situation of inherited immovable (real estate) assets;

g) selling movable assets from their patrimony, unless it represents acts of trade.

h) sub-renting buildings received according to art. 21 para. (1) – (3) to parliamentary offices, under the condition that the value of the monthly rent stipulated in the sub-rental contract shall not exceed the value of the monthly rent stipulated in the rental agreement with the local authorities. The expenditure for maintenance and functioning of premises shall be covered by the parliamentary office, according to the contract.

i) issuing political party's membership badges/cards.

(2) Political parties can obtain income from bank interests.

(3) By 30th April each year, political parties are required to publish in the Official Journal of Romania, Part I, the total amount of revenues obtained in the previous fiscal year from the activities under para. (1) and from the sources provided in para. (2), split by activity type and source.

Art. 17. - (1) If a party is associated, according to the law, with a non-political formation, the financial contribution of the latter to that specific type of association cannot exceed, for one fiscal year, the value of 500 minimum gross salaries at national level, valid by 1st of January of that year.

(2) The total financial contribution under different types of association with non-political formations cannot have per year a bigger value than the equivalent of 0,006% of the income provided by the state budget for that year.

(3) All the funds received by breaching the provisions of para (1) and (2) shall be confiscated and returned to the state budget

(4) Political parties have the obligation to publish in the Romanian Official Journal, Part I, the total amount of funds referred to in para (1), until 30th of April of the next year.

Chapter. 3 Public financing. Subsidies from the state budget

Art. 18. -(1). Political parties receive annual subsidies from the state budget, according to the law.

(2) The total amount assigned annually to political parties cannot exceed 0,04% of the income stipulated in the state budget. For political parties that promote women on their electoral lists, on eligible

places, the total amount assigned will be increased proportionally with the number of mandates obtained in the elections by the women candidates.

(3) The subsidy from the state's budget is granted under the following criteria:

- a) number of votes received in general parliamentary elections;
- b) number of votes received in general local elections.

(4) In the case of political or electoral alliances, the subsidy shall be divided, according to the number of mandates obtained.

Art. 19. - 75% of the annual budget granted to political parties will be divided to political parties, giving each an amount proportional to the number of votes received in the parliamentary elections, which is the average of the valid votes cast for the Chamber of Deputies and the Senate, if they reached the electoral threshold.

Art. 20. - 25% of the annual budget granted to political parties will be divided to political parties, giving each an amount proportional to the number of valid votes, received in the local elections for county and Bucharest Municipality counsellors, if they obtained at least 50 county and municipal counsellors mandates.

Art. 21. - Upon the request of the Permanent Electoral Authority, the Central Electoral Bureaux shall communicate the number of votes obtained by political parties, political alliances and electoral alliances in general parliamentary elections, the number of candidates declared elected, disaggregated by political affiliation and gender, number of votes obtained by political parties, political alliances and electoral alliances in general elections for county counsellors and counsellors of the Bucharest municipality, as well as the number of candidates declared elected in these elections, disaggregated by political affiliation and gender,.

Art. 22. - Political entities and political or electoral alliances receive annual subsidies from the state budget under the conditions provided by the law.

Art. 23. - (1) Public subsidies are transferred on a monthly basis, through the Permanent Electoral Authority's budget to a special account opened by each political party. Revenues from state budget subsidies are reflected separately in the accounts of political parties.

(2) A specialized department for allocating subsidies from the state budget shall be set up within the Permanent Electoral Authority.

(3) Public subsidies received by political parties have a special destination status and are not subject to forced execution by withholding (garnishment).

Art. 24. - (1) Public subsidies may be temporarily suspended by decision of the Permanent Electoral Authority for breaching the provisions of art. 3 para. (8), art. 5 para. (4), art. 13, art. 15 para. (3), art. 16 para. (1), art. 17 para. (4), art. 25 para. (1) și (2), art. 50 and art. 51 para. (2), until fulfilling the legal requirements.

(2) The Permanent Electoral Authority shall first notify the political party on the irregularities it found, as well as on the deadline for their remedy.

(3) The timeframe granted to political parties for remedying the irregularities cannot exceed 15 days.

(4) The decision on the temporary suspension of the monthly instalments from the state budget can be challenged within 15 days from the communication at the competent administrative law court, which shall render a decision within 15 days after the complaint was filed. The decision of the court is final and irrevocable.

(5) On the period of temporary suspension of the subsidy, the funds shall be kept by the Permanent Electoral Authority until the court renders a final decision, and the funds shall not be reimbursed, at the end of the year, to the state budget.

(6) Within 10 days from the written notifications of the political party regarding the redressing of irregularities, the Permanent Electoral Authority shall render a decision on lifting the decision on the suspension of the monthly instalments.

Art. 25. - (1) The income representing subsidy from the state's budget can have the following destinations:

- a) expenses for maintenance and functioning of premises;
- b) personnel expenses;
- c) expenses for media and propaganda;
- d) expenses for organizing political activities;
- e) expenses for travelling inside the country and abroad;

- f) telecommunications expenses;
- g) expenses with foreign delegations;
- h) expenses for fees owed to international political organizations the party is affiliated to;
- i) investments in movable and immovable (real estate) assets, necessary for the activity of the parties;
- j) protocol expenses;
- k) office equipment expenses;
- l) bank commission expenses;
- m) expenses for rent and office utilities;
- n) maintenance and vehicle repair costs;
- o) costs of insurance;
- p) costs of transport;
- r) costs of fuel and combustible.

(2) The use of the incomes from public funding for any other destinations than those mentioned at para (1) above is forbidden.

(3) The governing bodies of political parties shall decide on the effectiveness and appropriateness of these costs, according to their statutes and to the legal provisions.

Art. 26. - (1) Central and local administration authorities can provide premises for central and local headquarters of political parties, as well as related land, at the latter's motivated request.

(2) The political parties are allowed to receive a maximum of one headquarter for an administrative territorial unit.

(3) Renting by the local authorities of the premises for the headquarters of political parties is subject to the legal regime for renting premises for housing.

(4) The political parties ceasing their activity as a result of reorganization, self-dissolution or dissolution ordered by final court decision have the obligation to hand over to the local public administration authorities, within 30 days, the premises they had rented from these authorities. The premises owned shall be transmitted according to the law.

(5) Within 30 days, the Bucharest Tribunal shall notify on the ceasing of the activity of the political party the Ministry of Regional Development and Public Administration and the Permanent Electoral Authority.

(6) Within 15 days from receiving the notification, the Ministry of Regional Development and Public Administration shall transmit these decisions to the prefects of all the counties and the Bucharest municipality for taking over the premises rented by the public authorities, through bailiffs, if they had not been handed over within the legal term.

Art. 27. - The payment of all the expenses of a political party related to the telecommunications, electrical energy, gas, etc. is the exclusive responsibility of the party and the price shall be the one for the premises for housing.

Chapter 4. Financing during election campaigns

Section 1. Election campaign contributions

Art. 28. - (1) No later than the date of commencement of the election campaign, the political party, political alliance and independent candidates, through a financial agent, shall open one bank account in each county, a bank account in each district of Bucharest or in the municipality of Bucharest, respectively, and a central bank account.

(2) For the elections to the Chamber of Deputies and the Senate, national minorities' organizations, which propose candidates only at the national level, shall open a bank account at the central level.

(3) Election campaign contributions are deposited or transferred to the accounts referred to in para. (1) only by candidates, or by the financial agent, as their proxy.

(4) The funds obtained by the political party before the electoral period, that were transferred in the electoral campaign accounts, shall be declared to the Permanent Electoral Authority by the financial agent, within 5 working days from receiving them.

(5) The financial contribution provided for in art. 17 para. (1) may not be transferred into the election campaign bank accounts.

(6) The maximum limits of the election campaign contributions that may be submitted by candidates or the financial agent are:

- a) 60 minimum gross salaries for each candidate for deputy or senator;
- b) one minimum gross salary for each list of candidates for the local council of commune;
- c) 3 minimum gross salaries for each list of candidates to the city council;
- d) 5 minimum gross salaries for each list of candidates for the Municipality Council;
- e) 30 minimum gross salaries for each list of candidates in the local council of the county capital;
- f) 50 minimum gross salaries for each list of candidates for council district of Bucharest;
- g) 500 minimum gross salaries for each list of candidates to the General Council of Bucharest;
- h) 100 minimum gross salaries for each list of candidates for the county council;
- i) 5 minimum gross salaries for each candidate for mayor of the village;
- j) 7 minimum gross salaries for each candidate country for mayor of city;
- k) 10 minimum gross salaries for each candidate for mayor of municipality;
- l) 50 minimum gross salaries for each candidate for mayor of county seat;
- m) 100 minimum gross salaries for each candidate for mayor of Bucharest district;
- n) 150 minimum gross salaries for each candidate for mayor of Bucharest;
- o) 750 minimum gross salaries for each candidate to the European Parliament;
- p) 20,000 minimum gross salaries at national level for the candidate to the Presidency of Romania.

(7) In local elections, the contributions provided in para. (6) and funds transferred from the central level in accordance with art. 30 para. (4) are aggregated at county level and may be redistributed to local constituencies or county constituencies by decision of political parties, political parties or national minorities' organizations from the county level.

(8) Election campaign contributions that may be submitted by candidates or the financial agent can only come from donations received by candidates from individuals, from their own revenues or from loans received from individuals or contracted with banking institutions.

(9) Within 48 hours from the submission of a contribution in one of the accounts provided in para. (1), the candidate is required to hand over to the county financial agent a statement indicating the source of the contribution.

(10) Contributions to the campaign must be declared to the Permanent Electoral Authority by the financial agent.

(11) Contributions to the campaign can be used only after their declaration to the Permanent Electoral Authority.

(12) Contributions to the campaign can be deposited in accounts stipulated in para. (1) only until the end of the campaign.

(13) Election campaign contributions that do not comply with this article shall be confiscated and shall become revenue to the state budget.

Art. 29. - The reception of other propaganda materials than those referred to in art. 15 para. (2) by political parties, political alliances, electoral alliances and independent candidates is prohibited.

Art. 30. - (1) At central level, in addition to the campaign contributions provided for in art. 23, a political party may lodge contributions to its own campaign in a central account opened by the coordinating financial agent.

(2) The maximum limits for campaign contributions that may be submitted by a political party in the account referred to in para. (1) are:

- a) 10 minimum gross salaries for each deputy or senator candidate;
- b) 50 minimum gross salaries for each list of candidates to the county council and the General Council of Bucharest.

(3) The election campaign contributions that may be submitted by the political party can only come from transfers of funds from outside the election campaign.

(4) The political party, through its coordinating financial agent, can transfer money from the account opened at the central level to accounts opened at county level or at the level of Bucharest districts, within the limits laid down in art. 23 and in this article.

(5) The provisions of art. 23 shall apply accordingly to campaign contributions submitted by a political party.

(6) By derogation from the provisions of para. (1), in the case of the election campaign for the Chamber of Deputies and the Senate, candidates in the constituency for Romanians residing abroad can also submit contributions.

Art. 31. - Within 5 days from the start of the referendum campaign, the political party, through a financial agent, opens a bank account at national level for national referendum or at the county / Bucharest level for the local referendum.

(2) Contributions for referendum campaign submitted by the political party can only come from transfers of funds from outside the referendum campaign.

(3) The maximum contributions for the referendum campaign are:

a) 5 minimum gross salaries for the referendum for the dismissal of the commune council or mayor;

b) 7 minimum gross salaries for the referendum for the dismissal of local city council or the mayor;

c) 10 minimum gross salaries for the referendum for the dismissal of local municipality council or the mayor;

d) 30 minimum gross salaries for the referendum for the dismissal of local council or the mayor of the county capital / Bucharest district;

e) 100 minimum gross salaries for the referendum for the dismissal of the Bucharest General Council or the General Mayor of Bucharest;

f) 100 minimum gross salaries for the referendum for the dismissal of the county council;

g) 20,000 minimum gross salaries at national level for the referendum on impeaching the President of Romania, for the referendum on matters of national interest or for the referendum to revise the Constitution.

(4) The provisions of art. 23 shall apply accordingly to contributions for the referendum campaign.

Art. 32. - (1) Financing of election campaigns, directly or indirectly, by individuals who do not have Romanian citizenship or legal persons of other nationality than Romanian, with the exception of citizens of EU Member States who have their domicile in Romania and who are members of the political party to whose election campaign they contributed financially to, is forbidden.

(2) All the funds received under such conditions shall be confiscated and made revenue to the state budget.

Art. 33. - (1) Financing in any way the electoral campaign of a political party, alliance of political parties or an independent candidate by public institutions, autonomous administrations, national companies, trade companies or banks where the state or territorial administrative units are main shareholders, or by companies deploying activities financed by public funds is forbidden. This interdiction is applicable to the companies which, 12 months before the beginning of the electoral campaign have performed activities financed by public funds.

(2) Trade unions, religious cults, and associations or foundations registered in other states are forbidden to finance, in any way, the electoral campaigns of a political party, an alliance or an independent candidate.

(3) All the funds received by breaching the provisions of para (1) and (2) shall be confiscated and returned to the state budget.

Section 2. Financial agent

Art. 34. - (1) Records of contributions and expenses for the electoral campaign of political parties and independent candidates are organized exclusively by financial agents.

(2) The efficiency and the opportunity of election campaign costs are decided by the governing bodies of political parties, according to their statutes, or by independent candidates.

(3) The financial agent is appointed by the leadership of political parties, political alliances, and national minorities' organizations or by independent candidates.

(4) A political party, a political alliance or national minority organization shall have one central coordinating financial agent and one financial representative appointed in each county, district of Bucharest and the Bucharest Municipality.

(5) The financial agent coordinator shall:

a) ensure the registration of financial operations at national level, for the election of the President of Romania, the elections for the Romanian representatives to the European Parliament and the national referendum;

b) supervise the activities of other political party financial agents and centralize their records;

c) ensure the registration of financial transactions conducted via the accounts referred to in art. 30 in local and parliamentary elections;

d) represent the political party in relation with the Permanent Electoral Authority;

e) send to the Permanent Electoral Authority, documents and reports provided by this Law, in writing and in electronic format;

f) provide records of financial transactions for the constituency of Romanians residing abroad in elections to the Chamber of Deputies and the Senate;

g) submit to the Permanent Electoral Authority the claim for reimbursement of expenses related to the election campaign, the list of candidates to be reimbursed the election campaign contributions, approved by the political party leadership at the county level or the central level, as appropriate.

(6) The financial agent appointed at the county level, at the level of Bucharest municipality or Bucharest district level shall perform the following tasks:

a) organize the records of transactions made in the election campaign and verify their legality, at the level he has been designated at;

b) perform adequately the functions of the coordinating financial agent, in case of independent candidates and national minorities' organizations which nominate candidates only at national level.

(7) The financial agent is jointly liable with the political party which nominated him, for the legality of the transactions made during the election campaign and the observance of provisions of art. 28 - 33.

(8) Only individuals who are chartered accountants or authorized financial accountants and legal persons who provide specialized accounting services can be designated as coordinating financial agents.

(9) The political parties, political alliances and independent candidates who have not appointed authorized financial accountants or chartered accountants are obligated to conclude contracts for specialized assistance with individuals or legal entities specialized in offering accounting services.

(10) The Permanent Electoral Authority may request, where necessary, additional documents or explanations from the financial agents.

(11) Political parties are not allowed use the same agent, unless the political parties belong to the same political or electoral alliance.

(12) The status of financial agent shall be acquired only after the official registration at the Permanent Electoral Authority based on the mandate of the political party and its acceptance. Registration of the financial agent is done during the date of the public announcement of the elections and the beginning of the election campaign, being made public in the press or on the website of the party.

(13) On the date of official registration, the financial agent receives from the Permanent Electoral Authority a unique identification code of the political party or independent candidate that will be printed on all election propaganda material belonging to the political party or independent candidate they are representing.

(14) Candidates shall not be financial agents.

Art. 35. - The expenses for the election operations' organization and progress shall be incurred from the state budget, or, as the case may be, the local or county budgets, according to the provisions of the electoral law.

Art. 36. - (1) During election campaign, candidates, political parties, political alliances, electoral alliances, organizations of national minorities and voters have the right to express views freely and without discrimination by meetings, assemblies, direct communication with voters using television, radio, print media, electronic media and other means of public information.

(2) Only the following types of electoral propaganda materials may be used in the election campaign:

a) election posters with dimensions of less than 500 mm on a side and 350 mm the other side; posters convening an electoral meeting shall be 400 mm on a side and 250 mm the other side, and shall be placed in special places for display;

b) audio or video election propaganda materials, aired by broadcasters;

c) print media advertising;

d) online election propaganda materials;

e) brochures, leaflets and other printed material.

(3) Political parties, alliances and independent candidates are required to print on all electoral propaganda materials the following:

a) independent candidate's name, the name of the political party or political alliance it has ordered it, as applicable;

b) name of the company who has made it;

c) unique identification code provided for in art. 34 para. (13);

d) the print run, where appropriate.

(4) Expenses incurred by election propaganda materials shall be borne solely by their beneficiaries - independent candidates, political parties or political alliances.

(5) The production and dissemination of election propaganda materials, under other conditions than those provided for by this law, are prohibited.

(6) Political parties, alliances and independent candidates shall declare to the Permanent Electoral Authority, through the financial agent, the number of electoral propaganda materials and products used, broken down by category, within 15 days of the election or referendum day.

(7) It is considered an election propaganda material any written, audio or video material, which meets the following conditions:

a) refers directly to a candidate or political party participating in elections or referendum, clearly identified;

b) is used during the election campaign, established under the laws relating to elections;

c) has electoral objective and addresses the general public;

d) exceeds the journalistic work of informing the public.

Section 3. Maximum limits of expenditure

Art. 37. - The maximum expenditure which may be incurred in an election or referendum campaign in a national electoral constituency or in a county / Bucharest / external constituency, whatever the case may be, must comply with the maximum limits of election campaign contributions, stipulated in art. 28-31 for that constituency.

Art. 38. - (1) Election campaign expenses can only be made through the accounts referred to in art. 28 and 30.

(2) Contributions to the campaign can only have the following destinations:

a) expenses for the production and distribution of electoral propaganda on radio, television and print media in the amount of maximum 40% of the total expenditure that may be incurred in the campaign;

b) expenditure for the production and distribution of electoral propaganda online, amounting to maximum 30% of the total expenditure that can be made in the election campaign;

c) sociological research expenditure not exceeding 30% of the total expenditure that can be incurred in the campaign;

d) expenditure on election posters not exceeding 20% of total expenditure that may be incurred in the campaign;

e) costs for brochures, leaflets and other printed propaganda materials, amounting to maximum 50% of total expenses that may be incurred in the campaign;

f) expenditure on rental of premises and equipment and protocol expenses for organizing themed events political, economic, cultural or social, transportation and accommodation for legal assistance and other

counselling, and for payment of financial representatives not exceeding 30% of total expenditure that may be incurred in the campaign;

g) expenses incurred by bank charges.

(3) Para. (1) and (2) shall apply accordingly to the referendum campaign.

(4) Money received from the candidates proposed for elections by a political party shall be deemed donations and the provisions of this law shall be applied accordingly.

(5) The provisions of this law are not applicable for the bank deposits made with the view of filing the candidatureship documents for the deputy or senator function, stipulated by art. 29 para. (5) - (7) of the Law no. 35/2008 on the election of the Chamber of Deputies and the Senate and on amending the Law no. 67/2004 on the election of the local public administration authorities, the Law no. 215/2001 on the local public administration and the Law no. 393/2004 of the statute of the local elected officials, with further amendments.

(Not applicable as Law no. 35/2008 was repealed and replaced by Law no. 208/2015, which doesn't set any candidacy deposits)

Art. 39. - (1) Within 15 days from the Election Day, political parties, political alliances and independent candidates shall submit to the Permanent Electoral Authority a statement regarding the compliance with the limits stipulated at art. 37.

(2) The amount of expenditure exceeding the limits stipulated at art. 37 shall be returned to the state budget.

Art. 40. - When a candidate runs for more than one office in an election campaign, the maximum limit of the expenditure which can be made shall be established at the biggest value, according to art. 37.

Art. 41. - Income and expenditure of electoral alliances shall be collected or be incurred, respectively, only by political parties, political alliances or national minorities' organizations which compose them.

Chapter 5. The control of political parties' financing and of election campaigns

Art. 42. - (1) The Permanent Electoral Authority is the public authority authorized to control the observance of the legal provisions regarding income and expenditure of the political parties, the political or electoral alliances, the independent candidates and the electoral campaigns.

(2) The control of the subsidies from the state budget shall be also made simultaneously by the Court of Accounts, according to the provisions of the Law no. 94/1992 on the organization and functioning of the Court of Accounts, republished, with further amendments.

(3) Within the Permanent Electoral Authority, a Department for the control of financing the political parties and the electoral campaigns shall be set up in 60 days from the date of this law's entering into force, by supplementing the existent personnel scheme.

(4) Permanent Electoral Authority personnel receives a bonus of 30% for work complexity, applied to the gross monthly base salary. Art. 22 para. (1) of Law no. 284/2010 regarding the unitary remuneration of personnel paid from public funds, with subsequent amendments, does not apply to the Permanent Electoral Authority.

(5) The documents and information the Permanent Electoral Authority may request can be related solely to the activities of political parties regarding the generation of revenue and expenditure realization.

(6) Any person cumulatively fulfilling the following conditions can be appointed as a general director of the Department for the control of financing the political parties and the electoral campaigns:

a) he/she can occupy a function, under the conditions mentioned at art. 11 para (1) letters a) – h) of Law no. 7/ 2006 on the statute of the parliamentary public servant;

b) he/she has a university diploma for economic or legal sciences;

c) he/she has not been a member of a political party during the last 5 years.

(7) The contest for occupying the function stipulated at para (4) is organized by a special commission, made up of 7 members, appointed within 30 days from the date of this law's entering into force, by order of the president of the Permanent Electoral Authority; the members of the commission shall be professors with economic or legal studies background.

(8) The Commission stipulated at para (6) shall adopt the regulation of the contest and designate the winning candidate, who shall be appointed by the president of the Permanent Electoral Authority, within 15 days from the designation.

(9) The general director of the Department for the control of financing the political parties and the electoral campaigns has the following exclusive attributions:

- a) organizes the activity of control of financing the political parties;
- b) coordinates the activity of the subordinated personnel;
- c) proposes the application of the sanctions stipulated by the law to the president of the Permanent Electoral Authority.

Art. 43. - (1) To check the legality of income and expenditure of political parties, the Permanent Electoral Authority may require documents and information from natural or legal persons who have provided services, free of charge or against payment, to political parties, as well as from third parties.

(2) The natural and legal persons referred to in para. (1) have the obligation to submit to representatives of the Permanent Electoral Authority the documents and information required.

(3) Political parties are required to provide access of Permanent Electoral Authority's controllers to their premises.

(4) Political parties and all persons mentioned at para. (1) are required to submit to the Permanent Electoral Authority all documents and information required within 15 days from the date of the request.

Art. 44. - (1) Every year, and each time a request is filed, the Permanent Electoral Authority verifies for each party the observance of the legal provisions regarding income and expenditure of the political parties.

(2) The Permanent Electoral Authority may receive requests from any person bringing evidence regarding the non-observance of the legal provisions on the financing of political parties and electoral campaigns.

(3) The annual report is published in the Official Journal of Romania, Part I, and on the website of the Permanent Electoral Authority, up to April 30th of next year.

(4) The Permanent Electoral Authority can control the legal provisions on financing political parties and electoral campaigns when there is suspicion of violation of the law on financing political parties and electoral campaigns, at the request of any interested person or *ex officio*.

(5) If suspicions related to the commission of a crime arise during a control carried out by PEA on the compliance to the legal provisions regarding political party and electoral campaign financing, PEA notifies the criminal investigation bodies.

(6) The results of each control shall be published within the Romania's Official Journal, 1st part, as well as on the Permanent Electoral Authority webpage within 45 days from that control.

Art. 45. - (1) The annual financial statements drawn up by political parties that receive subsidies from the state budget are subject to statutory audit, which is carried out by statutory auditors, natural or legal persons authorized by law.

(2) Within 60 days from the date of the audit, the political parties stipulated in para. (1) transmit to the Permanent Electoral Authority a copy of the audit report.

Art. 46. - Public authorities have the obligation to support the Permanent Electoral Authority when making the control on the financing the political parties.

Art. 47. - (1) Within 15 days from the date of elections, financial agents shall submit detailed reports to the Permanent Electoral Authority on revenue and expenditure of political parties, political alliances and electoral alliances, organizations of Romanian citizens belonging to national minorities and of independent candidates, as well as lists of persons to whom debt is owed as a result of the election campaign, and the amount of the debts, together with the declarations stipulated at art. 28 para. (9).

(2) The Permanent Electoral Authority provides public disclosure of the list of political parties, political alliances, electoral alliances, organizations of Romanian citizens belonging to national minorities and independent candidates which have submitted detailed reports of election income and expenditure, as they are submitted, by successive publication in the Official Journal, Part I.

(3) Reports referred to by para (1) and (2), and the amount of the debts shall be published in the Official Journal of Romania, Part I, by the Permanent Electoral Authority, within 60 days since the publication of the election results.

(4) If at the time of submission of the detailed report on electoral income and expenditure, candidates or political parties will record debts, they shall report to the PEA quarterly on debt payment, until the debts are fully paid.

(5) The mandates of the candidates who have been declared elected cannot be validated if the detailed report of the electoral income and expenditure for each political party or independent candidate has not been submitted according to the law.

Art. 48. - (1) Within 90 days from the date of the elections for the Chamber of Deputies and the Senate, the Permanent Electoral Authority shall reimburse political parties, political alliances and organizations of national minorities, based on documentary evidence provided by the financial agent within 30 days of the election date, the funds of expenditure incurred in all constituencies, and those made at the central level, where the political party, political alliance, electoral alliance or organization of national minorities obtained at least 3% of the votes cast at national level, for each of the two Houses of Parliament.

(2) If the political party, political alliance, the organization of national minorities participating in the elections to the Chamber of Deputies or the Senate, has not obtained at least 3% of valid votes cast nationally, the Permanent Electoral Authority shall reimburse, based on the supporting documents provided by the financial agent, only the funds of expenditure incurred in the constituency in which they obtained at least 3% of valid votes.

(3) Within 90 days from the date of the elections to the European Parliament and President of Romania, the Permanent Electoral Authority shall reimburse political parties, political alliances, organizations of national minorities or independent candidates on the basis of documents provided by the financial agent no later than 30 days after the election, for the expenditure incurred at national level where the political party, political alliance, electoral alliance, organization of citizens belonging to national minorities or independent candidates has obtained at least 3% of valid votes cast nationally.

(4) No later than 90 days from the date of local elections, the Permanent Electoral Authority shall reimburse political parties, political alliances, organizations of national minorities on the basis of supporting documents provided by the financial agent within 30 days of the election date, for the expenditure incurred in all constituencies, and those made at the central level, where the political party, political alliance, electoral alliance or organization of national minorities obtained at least 3% of the votes cast by aggregating votes cast for all local councils and districts of Bucharest, county councils, the General Council of Bucharest, and all candidates for mayor or mayor of Bucharest.

(5) If a political party, political alliance, organization of national minorities who participate in local elections has not obtained at least 3% of valid votes cast in para. (4) nationally, the Permanent Electoral Authority shall reimburse, on the basis of supporting documents provided by the financial agent, only the expenditure incurred in the constituency county or district of Bucharest, where they obtained at least 3% of votes, as the case may be.

(6) The extra funds spent centrally by political party, political alliance and organization of national minorities are only reimbursed if they have obtained at least 3% of valid votes cast nationally.

(7) No later than 90 days from the date of the elections for the Chamber of Deputies and the Senate, the Permanent Electoral Authority shall reimburse independent candidates on the basis of documents provided by the financial agent within 30 days of the election date, for the campaign expenditure if they have obtained at least 3% of valid votes cast in the constituency in which they ran for election.

(8) In local elections, expenditure incurred in a constituency by an independent candidate shall be reimbursed only if s/he has obtained at least 3% of valid votes cast for the office to which s/he stood as candidate.

(9) No later than 90 days from the date of the elections for the Chamber of Deputies, the Permanent Electoral Authority shall reimburse the campaign expenses of organizations of national minorities who obtained a mandate, at national level, based on documentary evidence provided by the financial agent within 30 days from the election date.

(10) The political parties, through financial agents, are required to repay the candidates within 120 days from the election date, the funds reimbursed and / or unspent according to the contributions that they have made.

(11) The funds spent on election campaign are not reimbursed in the following situations:

- a) in case of exceeding the expenditure limits set under art. 30;
- b) in case of using other election campaign funding sources than those stipulated by this law;
- c) in case election campaign contributions were used in violation of art. 31 para. (2).

Art. 49 - (1) Every year, until the 30th April, political parties are obligated to submit to the Permanent Electoral Authority a detailed report of revenues and expenditure incurred in the previous year.

(2) The reports referred to in para. (1) shall also include breakdowns of revenues and expenses of internal structures of political parties referred to in art. 4 para. (4) of the Political Parties Law no. 14/2003, republished, revenues and expenses of persons related directly or indirectly to the political party and the forms of association referred to in art. 13 of this law.

(3) Political parties are obligated to submit to the Permanent Electoral Authority annual financial statements within 15 days from their registration at the relevant tax authority.

(4) The Permanent Electoral Authority shall publish on its website the reports referred to in para. (1), the annual financial statements as well as summaries of these, within 5 days from the submission date.

(5) The accounts of political parties are organized and conducted, at national and county level, according to the Accounting Law no. 82/1991, as amended and supplemented.

Art. 50 - (1) For verifying the legality of the collection and payment operations made by the political parties and independent candidates, the Permanent Electoral Authority can request supplementary declarations and documents if necessary.

(2) Political parties and independent candidates are required to submit within 15 days to the representatives of the Permanent Electoral Authority the requested documents under para. (1).

(3) Where irregularities are found, the sanctions provided by the law shall be applied.

(4) National minorities' organizations that participate in elections are subject to control by the Permanent Electoral Authority only regarding the electoral period and only in connection to it.

Art. 51 - (1) The Permanent Electoral Authority has the obligation to publish on its webpage all the reports which have to be published within the Romania's Official Journal, 1-st part, according to art. 5 para (4), art. 13 para. (1) and (2), art. 15 para (3), art. 16 para (3), art. 17 para (4) and art. 47 para (3), as well as the declarations stipulated under art. 28.

(2) The political parties have the obligation to send the data mentioned at para (1) in electronic format.

Chapter 6. Sanctions

Art. 52 - (1) Are offenses, unless they are committed in such circumstances as to be considered as crimes under the criminal law, and punishable by a fine of **10,000 lei to 25,000 lei** violations of the provisions of art. 5 paragraph (3) - (5), art. 6 art. 7 art. 8 par. (1) and (2), art. 10, art. 11, art. 12, art. 13, art. 14 para. (2) and (3), art. 15 para. (1) and (3), art. 16 para. (1) and (3), art. 32 para. (1), art. 33 para. (1) and (2), art. 36 para. (2) - (4) and (6), art. 39 para. (1) and art. 60 para. (3).

(2) Are offences, unless they are not committed under such conditions as to be considered as crimes under criminal law, and punishable by a fine of **15,000 to 50,000 lei** violations of the provisions of art. 3 para. (2) and (6) - (10), art. 25 para. (2) art. 28, art. 29, art. 30, art. 37, art. 38, art. 43 para. (2) - (4), art. 45, art. 47 para. (1), (2) and (5), art. 49 para. (1), (2), (3) and (5) and. 50 para. (2).

(3) Are offenses, unless they were committed under such conditions as to be considered a crime according to criminal law, and punishable by a fine of **100,000 lei to 200,000 lei**, violations of the provisions of art. 8 para. (3).

(4) The penalties may apply, as appropriate, to the political party, political alliance, and organisation of citizens belonging to national minorities, independent candidates, financial agent and / or donor who has violated the provisions of para. (1) - (3).

(5) The application of sanctions under para. (1) - (3) shall be prescribed within 3 years from the date of the offense.

(6) In case of continued offenses the period stipulated in para. (5) runs from the date of termination of the offense.

Art. 53. - (1) In the situations mentioned at art. 52 para. (1) - (3), the person who has committed the contravention shall transfer to the state budget the money and/or the value equivalent of the assets and services which were the object of the contravention, on the basis of the decision of the Permanent Electoral Authority.

(2) In the same way, the donations accepted by a political party undergoing dissolution, or by a political party acting on the basis of a modified statute, although the modifications have not been communicated to the Bucharest Tribunal, according to the law, or the court has rejected the request for the approval of the statute's modification, shall be returned to the state budget.

Art. 54. - (1) The contraventions stipulated at art 52 are found by the representatives of the Permanent Electoral Authority, and the sanction shall be applied by decision of the Permanent Electoral Authority.

(2) The decision of the Permanent Electoral Authority may be challenged before the competent court, under the conditions of the law.

Art. 55. - The provisions of art. 52 and 54 are supplemented by the provisions of the Government Ordinance no. 2/2001 on the juridical regime of the contraventions, approved with amendments by Law no. 180/2002, with further amendments.

Art. 56. - (1) Within 30 days from the date when the court decision remains final on the minute regarding the contravention, or, as the case may be, from the expiration of the term for challenging the minute regarding the contravention, the funds equivalent to the unpaid fines may be withhold from the monthly instalments which are to be paid as public financing, with the application of the procedure regarding the enforcement of court decision through garnishment, stipulated within the Government Ordinance no. 92/2003 on the Fiscal Procedure Code, republished, with further amendments.

(2) The Ministry of Public Finances, through its authorized bodies, shall inform the Permanent Electoral Authority on the fact that the fines applied by the Permanent Electoral Authority have not been paid within the term provided for in para (1).

Art. 57. - (1) In the situation in which, through a final court decision, one or more candidates of a political party who have been declared elected were convicted for an offence related to the financing of the political party or, as the case may be, of the electoral campaign, they become incompatible with the position of parliamentarian or local elected for the obtained mandate, which shall be annulled.

(2) The incompatibility status shall be found through decisions of the Chambers of the Parliament, or as the case may be, of the county or local council, and the vacant positions of deputies, senators or counsellors shall be occupied by the alternate representatives on the list of that political party.

(3) The provisions of para (1) and (2) shall be also applied to the political alliances, electoral alliances and independent candidates, in this situation the vacant position being occupied by the alternate representative of the political party or electoral alliance which has obtained the biggest number of valid votes.

Art. 58. - The procedure for the application of the measures within the art. 57 shall be regulated by the Regulations of the Chambers of the Parliament, as well as the regulations of the county and local councils.

Chapter 7. Final and transitory provisions

Art. 59. - (1) The provisions of this law shall apply accordingly to national minorities' organizations which obtained seats in elections or nominated candidates.

(2) In the case of national minorities' organizations which obtained only one deputy mandate, according to the electoral law, respectively only one counsellor mandate in a constituency, only the legal provisions on campaign financing shall apply.

(3) The provisions of this law shall apply accordingly to independent candidates.

Art. 60. - (1) The Permanent Electoral Authority shall keep a fiscal register of the political parties, political alliances and independent candidates, in which the following shall be recorded:

a) name and surname, personal identification numbers, addresses and contact details of persons responsible for providing evidence of financial operations at national and county levels;

- b) addresses of the headquarters, territorial organizations and internal structures of the political parties referred to in art. 4 para. (4) of Law no 14/2003 on political parties, as amended and supplemented;
- c) name and surname, personal identification numbers, addresses and contact details of persons entitled to represent parties at central and local level;
- d) details of their financial activity;
- e) sanctions.

(2) The Permanent Electoral Authority keeps a fiscal register for independent candidates, which contains: the name and surname, personal identification numbers, address and contact details, their data on activity on election campaigns and penalties applied.

(3) Political parties are obligated to inform the Permanent Electoral Authority about any change of the data provided in para. (1) within 45 days of its occurrence.

Art. 61. - Personal data processed by the Permanent Electoral Authority is protected by special law and may not be used for other purposes than those provided for therein.

Art. 62. - The new organizational structure of the Permanent Electoral Authority shall be approved through decision of the permanent offices of the two Chambers of the Parliament, for ensuring the functioning of the Department for the control of financing the political parties and the electoral campaigns and of the specialized department for the allocation of the subsidy from the state budget.

Art. 63. - (1) Within 90 days from the date of this law's entering into force, the methodological norms for the application of the provisions of this law shall be elaborated and sent for approval by Government Decision, at the proposal of the Permanent Electoral Authority.

- (2) The methodological norms shall obligatorily regulate:
- a) the arrangements and recording format, the recording and publicity of donations, contributions, loans and own revenues as well as expenditures of political parties;
 - b) the granting and use of subsidies from the state budget;
 - c) recording methods and the specific format, accounting and advertising revenues and expenses during the electoral campaign;
 - d) registration and duties of the financial agent;
 - e) control procedure and methodology;
 - f) the categories of documentation and methodology for reimbursement of funds spent for the election campaign.

Art. 64. - (1) This Law shall enter into force 30 days after publication in the Official Journal of Romania, Part I, except for the following provisions, which shall enter into force on 1 July 2007, relating to:

- a) granting subsidies from the state budget;
- b) Permanent Electoral Authority, except art. 35 para. (3) - (8).

(2) Upon entry into force of this law, Law no. 43/2003 on the financing of political parties and electoral campaigns, published in the Official Journal of Romania, Part I, no. 54 of 30 January 2003, as amended, is hereby repealed, except for the provisions on granting subsidies from the state budget and the Court of Auditors, which shall be repealed on 1 July 2007.