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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

REPUBLIC OF MOLDOVA

REFERENCE DOCUMENTS ON

**THE LEGAL FRAMEWORK GOVERNING THE FUNDING
OF POLITICAL PARTIES AND ELECTORAL CAMPAIGNS ***

* Unofficial translation

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I. Excerpts from the Law on Political Parties, with amendments until 4 June 2013

Chapter 7

PATRIMONY OF POLITICAL PARTIES

ARTICLE 24. Patrimony of political parties

(1) Political parties are entitled to own, as property, buildings, equipment, publishing and printing houses, transport means, and other assets not prohibited by law. Political parties' assets may not be used for other goals than for fulfilling the tasks set forth in their statutes.

(2) The right to ownership of the political parties is regulated by the norms of civil legislation, with exceptions stipulated by the present law.

(3) Political party is entitled to carry out editorial activities, activities directly related to the management of its property, as well as other economic activities that directly result from the purpose defined by the statute.

(4) Political parties cannot have in their possession, at their disposal or in use, weapons, explosives or other materials dangerous for life and health of the population, nor can they accept them for depositing or holding.

(5) Political parties' patrimony, including its revenue, cannot be distributed among their members.

ARTICLE 25. Financial Sources of the Political Parties

(1) Political Parties may have the following financial sources:

a) membership dues;

b) donations, including those collected during the entertainment, cultural, sport and other mass activities organized by the party;

c) subsidies from the state budget, according to the provisions of the present law and annual budget law.

d) other revenues legally obtained according to article 24, paragraph (3).

(2) Political parties shall not use other financial sources than those stipulated in paragraph (1).

(3) The amount and the way of paying the membership dues is set by the statute of the political party.

(4) Payment and cash operations of the political parties are carried out in Moldovan lei and, according to foreign exchange legislation in foreign currency, via accounts opened in the banks based in the Republic of Moldova.

(5) Revenues provided in paragraph (1) are exempted from taxes or are taxed according to the provisions of Fiscal Code.

(6) Public or private financing of the political parties shall not have as a purpose limitation of their independence.

(7) Violation of legal provisions concerning financing of political parties and the way these financial means and material resources are used by the political parties is sanctioned according to the law.

(8) Political parties are not entitled to open bank accounts abroad.

ARTICLE 26. Donations

(1) Donation is the patrimony transmitted free of charge and unconditionally to a political party and accepted by it.

(2) Annual income of a political party resulted from donations cannot exceed the equivalent of 0,1% from the income, foreseen in the state budget for the respective year.

- (3) An individual may grant donations to one or more political parties. Donations granted by an individual to one or more political parties during one budgetary year may not exceed the amount of 500 average monthly salaries on the national economy set for the respective year. If the individual is a member of the party, this sum also includes the party membership dues paid by him/her during a year.
- (4) Donations granted by a legal entity to one or more parties during a budgetary year cannot exceed the amount of 1000 average monthly salaries on the national economy set for the respective year.
- (5) Direct or indirect financing, any form of financial support granted to political parties by other states and international organizations, by enterprises, institutions and state-financed organizations or those with state capital or foreign capital, by noncommercial organizations, trade unions, charity organizations or religious cults, by the citizens of the Republic of Moldova who are minors or are abroad, by individuals who are not citizens of the Republic of Moldova, by anonymous persons, as well as on behalf of third parties, are prohibited.
- (6) The share of the donations' value, received by a political party, which exceeds the established limit, as well as amounts received with violation of paragraph (5) are transferred to the state budget on the basis of a court decision.

ARTICLE 27. Public Nature of Donations to Political Parties

- (1) Each political party keeps the register of received donations, where the donor's name, residence (headquarters) and the donated amount are mentioned.
- (2) Political parties shall not receive anonymous donations or donations that exceed the limit set by the present law.
- (3) In case when receiving of anonymous donations or donations that exceed the limit set by the present law is established, political party must transfer the respective amounts in the state budget within 10 days.

ARTICLE 28. Financing of Political Parties from the State Budget

- (1) Annual allocations from the state budget for financing of political parties constitute 0, 2% from the incomes foreseen in the state budget for the respective year and are distributed as follows:
 - a) 50% - to political parties proportionally to the number of mandates obtained during parliamentary elections and validated at the moment of setting up the new legislature of the Parliament;
 - b) 50% - to political parties proportionally to the number of votes accumulated at the general local elections, if they received not less than 50 mandates in the representative bodies of the second level territorial-administrative units.
- (2) Political parties lose the right to allocations from the state budget in case if:
 - a) their activity was limited - for the whole period of activity limitation;
 - b) lose their legal status;
 - c) violate regulations on parties' financing or provisions stipulated in paragraph (3);
 - d) are in the process of liquidation.
- (3) Political parties that during election campaign exceeded the maximum limit of expenditures provided by law, as well as parties, which were financed with violation of legal provisions, lose their right to receive financial allocations from the state budget.
- (4) Political party which lost the right to receive financing from the state budget, due to exceeding the limit of expenditures for the election campaign or due to the violation of legal provisions on financing election campaigns, may be reestablished in this right after the next elections, under the conditions of paragraph (1).

(5) Political party that lost the right to receive financing from the state budget, due to violation of the procedure of income collection, is reestablished in this right after remedying the violation that served as ground for suspending the financing.

(6) The means allocated for financing the political parties are transferred on their accounts by the Central Election Commission, under conditions and in amounts provided in paragraph (1), on the basis of data on the number of votes accumulated by the political parties.

(7) Allocations from the state budget are monthly transferred to the political parties' accounts, in equal amounts, during the whole year.

(8) In case the political party loses the right to receive funds from the state budget, under conditions of the present law, the transfer of the respective amounts is ceased starting with the next month after the political party lost this right.

(9) In case of reorganization of some political parties entitled to receive financing from the state budget, under the conditions of paragraph (1), the mentioned right is transferred to the legal successors – reorganized political parties.

ARTICLE 29. Use of Allocations from the State Budget

(1) Political parties shall use state budget allocations, at the decision of their governing bodies, for the following purposes:

- a) maintenance of premises;
- b) expenditures for personnel;
- c) expenditures for media and promotion materials;
- d) expenditures for trips in the country or abroad;
- e) expenditures for telecommunications;
- f) expenditures for organizing political activities;
- g) expenditures for receiving foreign delegations;
- h) payment of membership dues to international organizations, the party is member to;
- i) investments in securities and real estate, necessary for the activity of the respective party;
- j) protocol expenditures;
- k) stationery expenditures;
- l) expenditures for election campaign.

(2) Allocations from the state budget used for other purposes than those stipulated in paragraph (1) are returned to the state budget on the basis of the final decision of the Chisinau Court of Appeal.

(3) Use of allocations from the state budget is reflected separately in the bookkeeping of the political parties.

(4) Control of using allocations from the state budget shall be carried out by the competent bodies, according to the law.

Article 30. Financial Reports

- (1) Political parties, according to the regulation approved by the Ministry of Justice, shall annually submit financial reports to the Court of Accounts, Ministry of Finance and Ministry of Justice, until March 31.
- (2) Reports mentioned in paragraph (1) on subsidies received from the state budget shall be verified by the Court of Accounts, and reports on other income shall be verified by the Ministry of Finance, through its subordinated structures.
- (3) Violation of provisions regarding financing of political parties or the use of assets in their possession leads to their liability according to the law.

ARTICLE 31. Public Nature of the Information on Financing Election Campaign

(1) The expenditures borne by the political parties during the election campaigns represent information of public interest.

(2) On the date of registration of an electoral competitor, and later on every two weeks until the end of elections, according to the regulation approved by the Central Election Commission, every political party that participates in elections shall submit to it the reports on the parties' financial resources, including the expenditures borne during the respective election campaign and the sources of these means. Further on, similar reports for the entire election period shall be submitted to the Central Election Commission within a month after publication of election results.

(3) In case when during the control carried out by the competent bodies at the request of the Central Election Commission, it is established that the political party registered as electoral competitor received or used financial means with violation of provisions of the present law, the Central Election Commission shall address the Supreme Court of Justice with a request of cancellation of its registration as electoral competitor. The Supreme Court of Justice shall examine the request and adopt a decision within 5 days, but not later than the day prior to elections.

(4) In case the information submitted by a political party under the terms of paragraph (2) is incomplete, the Central Election Commission is entitled to request the respective party to provide additional data on each amount received on the party's account and on the origin of these funds.

(5) Within two months after holding the elections, the Central Electoral Commission shall publish on its web page the invoice for the election campaign of each political party, on the basis of information submitted by the political parties.

II. Excerpts from the "Law amending and supplementing legislative instruments" of 9 April 2015

LPC36/2015

ID intern unic: 358046

Law Nr. 36 as of 09.04.2015 pentru modificarea și completarea unor acte legislative

Published on: 14.04.2015 în Monitorul Oficial Nr. 93 art Nr : 134, enacted on 14.04.2015

1. Code of administrative offences of RM No.218 of 24.10.2008

Published 16.01.2009 in Official Gazette no. 3-6 art. No. 15 into force: 31.05.2009

Art. V. – Code administrative offences of the Republic of Moldova no. 218-XVI of 24 October 2008 (Official Gazette of the Republic of Moldova, 2009, no. 3-6, art. 15), as amended, is amended and supplemented as follows:

Article 48 Use of undeclared, impermissible or foreign (coming from abroad) funds for financing political parties

(1) the use of undeclared, impermissible or foreign (coming from abroad) funds by political parties, is sanctioned by a fine of 50 to 150 conventional units for individuals or a fine of 300 to 500 conventional units for an individual with a responsible position.

(2) The money used in the manner provided in para. (1) shall be forfeited and shall be revenue to the state budget.

2. Code is supplemented by articles 48¹ and 48² as follows:

Article 48¹ Violation of legislation on the financial management of political parties and of the election funds

(1) Not presenting the financial reports by the candidates in time and in the set format is fined from 100 to 150 conventional units.

(2) Violation of the record and use of assets of political parties and from electoral fund, including not presenting identification data of the donor, is sanctioned with a fine of 100 to 300 conventional units for the person with a responsible position.

(3) not presenting by the political parties the reports on their financial management in time and in the format established by the Central Election Commission, including the submission of incomplete data in the report, is sanctioned with a fine of 300 to 500 conventional units person with a responsible position

(4) using the state budget allocations to the political parties or the resources from the electoral fund for other purposes, if it is not another offence, is sanctioned with a fine of 200 to 500 conventional units for the responsible person and deprivation of the right to hold certain positions or engaging in certain activities for a period of up to one year.

(5) illegal use of administrative resources (public goods), including aiding or consenting to the illegal use of administrative resources (public goods), in electoral campaigns, if it is not another offence, is sanctioned with a fine of 150 to 400 conventional units for the responsible person and deprivation of the right to hold certain positions or engaging in certain activities for a period of up to one year.

Article 48² failure to comply with CEC summons

Failure to comply with CEC summons regarding misuse of state budget funds received by political parties or candidates in violation of the law or spending above the limits is sanctioned with a fine of 300 to 500 conventional units for the responsible person and deprivation of the right to hold certain positions for a period of 3 months to a year.

3. Article 385 (2), the number "423⁶" is replaced by "423⁷".

4. Article 393, point d), the number "423⁶" is replaced by "423⁷".

5. Article 400 (1), the words "art. 47-54 "are replaced by" art. 47, 48, art. 48¹ para. (5) and Art. 48²-54".

6. Article 423⁶(1), after "The violations referred to" are introduced the words "art. 48¹ para. (4) ".

7. The Code is supplemented by Article 423⁷ as follows:

Article 423⁷ The Central Election Commission

(1) The violations stipulated in art. 48 para. (1) - (3) are noted by the Central Electoral Commission from the office or referral of competent bodies.

(2) the Central Electoral Commission Chairman or the Deputy Chairman is entitled to establish offences and to prepare minutes, when he substitutes the Committee Chairman.

(3) Minutes on violations shall be sent for examination to a competent court. "

2. Criminal Code of RM No.985 of 18.04.2002

Published 14.04.2009 in Official Gazette no. 72-74 art. No. 195

"Article 181² Illegal financing of political parties or electoral campaigns, violation of the management of the financial resources of the political parties or electoral funds

(1) The falsification of reports on the financial management of political parties and / or reports on campaign financing with the intention to substitute or hide the identity of donors, the amount of accumulated funds or how these were spent or the amount of used means is sanctioned with a fine of 200 to 500 conventional units or by imprisonment up to 3 years, in both cases with the deprivation of the right to hold certain positions or engage in certain activities up to 5 years.

(2) The use of administrative resources (public goods), including aiding or consenting to the illegal use of administrative resources (public goods) in electoral campaigns, if they were caused large damages, is sanctioned with a fine of 3000 to 5000 conventional units or by imprisonment up to 3 years, in both cases with the deprivation of the right to hold certain positions or engage in certain activities for a period of 2 to 5 years.

(3) Extortion or obtaining through extortion of donations for political parties and / or election funds is sanctioned with a fine of 200 to 500 conventional units or by community service for 100 to 200 hours or by imprisonment for up to four years in all cases with the deprivation of the right to hold certain positions or to practice certain activities for a period of 1-5 years.

(4) The use for other purposes of the state budget allocations for political parties or from the electoral fund, if it has caused large damages, is sanctioned with a fine of 3000 to 5000 conventional units or with imprisonment from 1 to 5 years, in both cases with the deprivation of the right to hold certain positions or engage in certain activities for a period of 2 to 5 years.

(5) The knowing/intentional acceptance to finance a political party or a candidate from an organized criminal group or a criminal organization (association) is sanctioned with a fine of 500 to 1,000 conventional units or with imprisonment from 1 to 6 years, in both cases with the deprivation of the right to hold certain positions or engage in certain activities for a period of 2 to 5 years.

Article 189 (2) shall be supplemented with the letter f) as follows:

"f) against the donors of the political parties or the candidates."

3. Law on Political Parties no. 294 of 21.12.2007

(Official Gazette of the Republic of Moldova, 2008, no. 42-44, art. 119)

Chapter VI ASSETS SUPERVISION AND FINANCING POLITICAL PARTIES"

2. Article 24 (3) the words "and other economic activities resulting directly from the aim set out in the statute" is replaced by "and other activities that bring income to the party needs if these activities are not prohibited by law and it is expressly provided for in the statute of the political party".

3. Article 25:

in paragraph (1), point b) in the end the words "provided that are on record as established";

(3) is in the end the words "and, together with the total amount of contributions accumulated annual party, published on its website and the Central Election Commission";

(4) in the end the words "release documents".

Article 26. Donations

(1) Donations made to political parties can be:

a) monetary donations other than membership fees;

b) donations in the form of property, goods, free services or on more favorable terms than commercial (market), payment of goods or services used by the party. These donations are reflected in the accounts of the political party at their market value and are within the limit donations provided in para. (4) and (5).

(2) Money donations to political parties shall be effected through banking operations (credit card, direct transfer) and the donor identity is indicated in the bank document. If the donor does not have a bank account and donation shall be made in cash, the money is deposited in the bank account of the political party. If money is deposited in cash at the political party premises, the individual shall confirm the donation by signing a declaration, which will be kept and attached to the records. Declaration form is approved by the Central Election Commission.

(3) Annual income of a political party from membership contributions and donations cannot exceed the equivalent of 0.3% of the revenue provided in the state budget for the current year.

(4) An individual may donate to one or more parties. Donations made by an individual to one or more parties in a fiscal year cannot exceed the amount of 200 average salaries set for the current year. If the individual is a party member, in the limit of the mentioned amount is included the amount of membership contributions paid in a year, the membership fee and the donation are reflected separately in the accounts of the political party and its financial management reports.

(5) Donations made by a legal person to one or more parties in a fiscal year can not exceed the amount of 400 average salaries set for the current year. A legal person who makes a cash donation to a political party must submit to its empowered bodies the decision to make a donation, to register the donation and to reflect it in accounting reports and also inform its shareholders or its members about the operations carried out.

(6) the financing, provision of services free of charge or material support in any form, direct and / or indirect to political parties is prohibited for:

a) Moldovan citizens who have not reached the age of 18, citizens with limited capacity or recognized as incapable by a final court decision;

b) Moldovan individuals with revenues from abroad;

c) foreign citizens, stateless persons, anonymous or persons donating on behalf of a third parties;

d) public authorities, organizations, enterprises, public institutions and other legal entities financed from the public budget or with state capital unless the provision of services or material support is provided by law;

e) legal entities which, at the time of donation, have any outstanding debts older than 60 days in the state budget, state social insurance budget and mandatory health insurance fund;

f) legal entities with foreign or mixed capital, foreign legal entities;

g) other countries and international organizations, including international political organizations;

h) non-profit organizations, trade unions, charitable or religious organisations.

(7) Donations are not considered the activities provided for political parties on a voluntary basis under the legislation governing such activities.

(8) Each political party must open a special bank account where money will be transferred to all contributions that are given to them, including donations and membership fees. Bank account details is placed on the website of the party, if they have it, is indicated in the annual reports on the financial management of political parties and communicated to the Central Election Commission.

Article 27 Financing the political parties from the State budget

(1) Political parties are entitled to receive annual funding from the state budget through Central Election Commission under a regulation approved by it. The allowance for this purpose shall be approved in the annual budget law, the percentage being no more than 0.2% of the state budget revenues, excluding revenues with special destination provided by law, and shall be distributed as follows:

a) 50% - to the political parties proportionally with the performance achieved in parliamentary elections;

b) 50% - to the political parties proportionally with their performance in local general elections.

(2) If electoral blocks, the allowance will be divided according to prior agreement between the members of the electoral block or, without an agreement, according to the number of seats obtained by each component.

(3) allocations from the state budget transferred monthly in the accounts of political parties under the terms and proportions provided in para. (1) through the Central Election Commission. In case of loss or suspension under this law, of the right to be financed from the state budget, the money transfers shall cease in the month immediately following the month in which this right is lost or suspended.

(4) Funds transferred to accounts of political parties from the state budget, which were not used in the current budget year, will be available to be used in the up-coming years.

(5) Funds from the state budget not transferred to political parties in the provided year will not be available for use in future years.

(6) The political parties lose their right to benefit from the state budget if:

a) their activity was limited in terms of art. 21 - for the whole period of political party activity limitation;

b) lose their legal status;

c) are in the process of liquidation;

d) it has been deprived of the sanction on allocations from the state budget.

(7) The political party that has lost the right to be financed from the state budget is reinstated in this right by the Central Electoral Commission, after the termination of the causes that determined the loss of the right to be financed or after the enforcement of the sanction through which it has been deprived of this right.

(8) In case of reorganization of a political party entitled to finance from the state budget, the mentioned right is transferred to his successor. In the case a political party ends its activity the allocations from the state budget shall be reassigned to the other political parties under this article.

Article 28 Use of allocations from the state budget

(1) By decision of the governing bodies of political parties from state budget allocations will be used for the following purposes:

a) expenses for maintenance of premises;

b) staff costs;

c) expenses for press and promotional material;

d) expenses for travel within the country and abroad;

e) expenses for telecommunications;

f) expenses for receiving foreign delegations;

g) payment of membership fees to international organizations of which party is member;

h) investments in movable and immovable property necessary for the activity that party;

i) expenses for office supplies;

j) expenses for audit (external / required);

k) expenses for organizing meetings, public demonstrations, seminars and other training courses for members of the party, held in the country.

(2) The use of allocations from the state budget for any other purposes than those stipulated in para. (1).

(3) State budget allocations used for other purposes than those stipulated in para. (1) shall be returned to the state budget on the basis of a decision of the Court of Auditors, in the amount used contrary to their purpose.

(4) Receiving and use of allocations from the state budget are reflected separately in the accounts of political parties.

(5) Control over the use of allocations from the state budget is carried out by the Court of Auditors under the law.

Article 29. Annual reports on the financial management of the political parties

(1) Every six months, until the 15th of the last month of the reporting period, and annually till March 31, political parties shall submit to the Central Election Commission reports on their financial management. The political parties that benefit from allocations from the state budget and will submit those reports to the Court of Accounts.

(2) The reports referred to in para. (1) are checked and analyzed by the CEC. For the purpose of this check, the Central Election Commission asks political parties and public or private institutions, the necessary information in the limit of their competence. The concerned political parties and public or private institutions are obliged to submit the

information within two weeks. On request and depending on the nature of the information requested, this period may be extended by the Central Election Commission, but in total, it will not exceed one month.

(3) The information contained in the political parties annual reports on the income earned and expenditure incurred, including the identity of donors and the donated amounts, and conclusive information (conclusions) of independent audit reports (opinions) are available on the website of the Central Election Commission within 48 hours after receipt and acceptance as well as on the websites of political parties, if they exist.

(4) The Central Electoral Commission develops and approves forms for annual reports on financial management, which should contain information on:

- a) political party's assets and income, including grouping these types of income;
- b) all donations given to political party, including the amount donated, the donor's identity (name / surname full name and organizational form), home / office and occupation / work or type of activity;
- c) obligations and expenses of the political party, other than the election campaign, grouped in operational expenses and asset management expenses;
- d) accounting information for the corresponding period, of the founded legal persons or otherwise controlled by the political party.

(5) The Central Election Commission may also require disclosure of other information on financing the political parties and electoral campaigns.

Article 30. Supervision and control of financing the political parties

(1) The independent body that provides supervision and control over political party funding is the Central Election Commission, constituted and empowered with functions under the Election Code and the provisions of this law.

(2) The control over the received allocations for political parties from the state budget is exercised by the Court of Accounts under the provisions that regulate its activity.

(3) The institutions referred to in para. (1) and (2) issue detailed instructions and guidance on the transfer, receiving and donations evidence, on the nonfinancial contributions to political parties and on their use in the established destinations, according to the law, as well as other issues aimed at financing political parties and campaigns election.

(4) The Central Electoral Commission presents annually to the Parliament until 1 June, a report on the financing of political parties and electoral campaigns.

Article 31. Audit and verification of reports on financial management of political parties

(1) political parties whose annual income or expenses exceed one million MDL are obliged to audit their reports on financial management at least once every three years. The audit report, together with the annual report on the financial management of political parties, will be submitted to Central Election Commission and when the political party has received allocations from the state budget – (the report to be submitted) as well as to the Court of Auditors.

(2) The auditor is selected by the political party and should not have been, in the last 5 years, party member or electoral campaign treasurer or should not have served as accountant or in charge of finances in the political party that performs the audit.

(3) the auditing of the reports on the financial management of political parties shall be in accordance with the national legislation and national and international auditing standards.

5. Law is supplemented by Chapter VI¹ as follows:

Chapter VI¹ Responsibility for violations of the provisions on financing the political parties

Article 31¹ Violation of provision regarding donations

- (1) If a political party receives donations in violation of the provisions of art. 26, including when receiving donations that exceed the established cap, the political party is obliged, in three days from the receipt of the donation, to pay into the state budget the received amount or to give back the amounts that exceed the established thresholds.
- (2) in not complying with the demands of para. (1), CEC issues a written summons addressed to the political party, through which demands to remove the violation and to inform about the taken measures in 3 days within the issue of the summons.
- (3) not complying with the CEC summons is considered contravention and is sanctioned according to the provisions of the Contraventional Code.
- (4) if the violation foreseen in para. (3) and the sanctions for this violation is repeated during one year, the CEC adopts the decision to deprive the party from the right of state budget allocations for a period of 6 months.

Article 31² Violation of the provisions regarding the financial management of the political parties

- (1) the following are considered violations regarding the financial management of the political parties:
 - a) violating the record and use of income of the political parties, including not presenting the identification data of the donors;
 - b) not presenting the annual report by the political parties to the CEC regarding the financial management in the established deadline and format according to the law, including presenting incomplete data in the report;
 - c) using the state budget allocations for political parties for other purposes.
- (2) The acts foreseen in para. (1) shall be considered contraventions and are subject to liability under the Contravention Code .

Article 31³ Notification regarding violation of the provisions regarding the financial management of the political parties

- (1) The notification concerning the violation on the financial management of political parties may be submitted by any person with voting right or a legal entity of the Republic of Moldova, including public authorities or institutions within 30 days since the violation has become known.
- (2) The notification must contain the identity and contact information of the author of the notification, a description of facts that would constitute violations, indication of the evidence that confirms the violation and signature of the complainant.

III. Recent amendments concerning the sanctions provided by Articles 48 to 48² of the Code of Administrative Offences and Article 181² of the Criminal Code (amendments in bold)

1. Code of Administrative Offences

Article 48. Use of unreported, non-conforming funds or coming from abroad for funding political parties

(1) The use by political parties of undeclared, non-compliant or foreign funds shall be sanctioned by a fine of **30 to 90 conventional units** for the individual or by a fine of **180 to 300 conventional units** for the accountable person.

[Art. 48 para. (1), the sanction modified by LP208 of 17.11.16, MO441-451 / 16.12.16 art.879; in force from 16.03.17]

Article 48¹. Violation of management legislation the financial means of the political parties and electoral funds

(1) The electoral contestants' who do not present the reports on the financing of the electoral campaign within the deadline and in the established format shall be sanctioned by a fine of **60 to 90 conventional units**.

[Art. 48¹ al. (1), the sanction modified by LP208 of 17.11.16, MO441-451 / 16.12.16 art.879; in force from 16.03.17]

(2) The violation of the way of recording and using the patrimony of the political parties and the funds from the electoral fund, including the failure to present donor identification data, shall be sanctioned by a fine of **60 to 180 conventional units** for the person in charge. [Art. 48¹ al. (2), the sanction modified by LP208 of 17.11.16, MO441-451 / 16.12.16 art.879; in force from 16.03.17]

(3) If political parties do not present report on their financial management within the deadline and format established by the Central Electoral Commission, including submission of incomplete data in the report, shall be sanctioned by a fine of **180 to 300 conventional units** for the accountable person.

[Art. 48¹ al. (3), the sanction modified by LP208 of 17.11.16, MO441-451 / 16.12.16 art.879; in force from 16.03.17]

(4) The use contrary to the purpose of allocations from the state budget for political parties or means from the electoral fund, if it is not a crime, shall be sanctioned by a fine in the amount of **120 to 300 conventional units** for the person in charge and with the deprivation of the right to hold certain positions or to carry out certain activities for a period of up to one year.

[Art. 48¹ al. (4), the sanction modified by LP208 of 17.11.16, MO441-451 / 16.12.16 art.879; in force from 16.03.17]

(5) Illicit use of administrative resources (public goods), including the encouragement or consent to the illegal use of administrative resources (public goods) in electoral campaigns, if it is not a criminal offense, shall be sanctioned by a fine of **90 to 240 conventional units** for the person in charge and deprived of the right to hold certain positions or to carry out certain activities for a period of up to one year.

[Art. 48¹ al. (5), the sanction modified by LP208 of 17.11.16, MO441-451 / 16.12.16 art.879; in force from 16.03.17]

[Art.48¹ introduced by LP36 of 09.04.15, MO93 / 14.04.15 art.134; in force from 14.04.15]

Article 48². Non-execution of the Commission's order Central Electoral

Failure to execute the Central Electoral Commission's summons to pay to the state budget the sums received by political parties or by the electoral competitors in violation of the law or above the established ceilings shall be sanctioned by a fine of **180 to 300 conventional units** for the accountable person and deprivation of the right to hold certain duties for a period of 3 months to one year.

[Art.48¹ al. (5), the sanction modified by LP208 of 17.11.16, MO441-451 / 16.12.16 art.879; in force from 16.03.17]

[Art.48¹ introduced by LP36 of 09.04.15, MO93 / 14.04.15 art.134; in force from 14.04.15]

2. Criminal Code

Article 181². Illegal Funding of Political Parties or electoral campaigns, the violation how to manage the means political parties or political parties electoral funds

(1) Forgery of reports on the financial management of political parties and / or reports on the financing of election campaigns with the intention to substitute or hide the identity of donors, the amount of funds accumulated or the destination or volume of means used shall be punished by a fine in the amount of **550 to 8500 conventional units** or by imprisonment for

up to 3 years in both cases with the deprivation of the right to hold certain positions or to carry out certain activities for up to 5 years.

[Art.181² al. (1), the sanction modified by LP207 of 29.07.16, MO369-378 / 28.10.16 art.751; in force from 07.11.16]

(2) The use of administrative resources (public goods), including favoring or consenting to the illegal use of administrative resources (public goods) in electoral campaigns, if large amounts of damage have been caused, shall be punished by a fine in the amount of **4000 to 6000 conventional units** or by imprisonment for up to 3 years, in both cases depriving of the right to occupy certain positions or to perform certain activities for a period of 2 to 5 years.

[Art.181² al. (2), the sanction modified by LP207 of 29.07.16, MO369-378 / 28.10.16 art.751; in force from 07.11.16]

(3) Extortion or using extortion for obtaining donations for political parties and / or electoral funds shall be punished by a fine in the amount of 550 to 850 conventional units or by community service from 100 to 200 hours or by imprisonment for up to 4 years in all cases with deprivation of the right to occupy certain positions or to perform certain activities for a period of 1 to 5 years.

[Art.181² al. (3), the sanction modified by LP207 of 29.07.16, MO369-378 / 28.10.16 art.751; in force from 07.11.16]

(4) The use contrary to the purpose of allocations from the state budget for the political parties or the means from the electoral fund, if it has caused large damages, shall be punished by a fine in the amount of **4,000 to 6,000 conventional units** or by one to five years' imprisonment, in both cases depriving of the right to occupy certain positions or to perform certain activities for a period of 2 to 5 years.

[Art.181² al. (4), the sanction modified by LP207 of 29.07.16, MO369-378 / 28.10.16 art.751; in force from 07.11.16]

(5) The knowingly accepting the funding of the political party or the electoral contestant by an organized criminal group or a criminal organization (s) shall be punished by a fine in the amount of 850 to 1350 conventional units or by one to six years' imprisonment, in both cases depriving of the right to occupy certain positions or to perform certain activities for a period of 2 to 5 years.

[Art.181² al. (5), the sanction modified by LP207 of 29.07.16, MO369-378 / 28.10.16 art.751; in force from 07.11.16]

[Art.181² introduced by LP36 of 09.04.15, MO93 / 14.04.15 art.134; in force from 14.04.15]