

Law no. 14/2003 on political parties
(published in the Official Gazette no. 25 of January 17, 2003)

The Romanian Parliament adopts this law

CHAPTER I
General provisions

Art. 1.

Political parties are political associations of Romanian citizens with voting rights, participating freely in the formation and exercise of their political will and fulfilling a public mission guaranteed under the Constitution. They are public legal entities.

Art. 2.

In their activity, political parties shall promote national values and interests, political pluralism, contribute to the formation of public opinion, participate with candidates in elections and in establishing a public authority and stimulate the participation of citizens in polls, according to the law.

Art. 3.

(1) Only political associations, that are duly established and that militate in favor of national sovereignty, state independence and unity, territorial integrity, legal order and constitutional democracy principles, may function as political parties.

(2) Political parties that, by their statutes, programs, propagandas or by other activities they organize, breach the provisions of Art. 30, par. (7), Art. 37, par. (2) or (4) of the Constitution are prohibited.

(3) Political parties are prohibited from associating with foreign organizations, if such association breaches the values provided under par. (1).

(4) Political parties may not organize military or paramilitary activities and other activities forbidden by law.

Art. 4.

(1) Political parties are organized and function according to the administrative-territorial criterion.

(2) It is forbidden to establish political party structures according to the occupational criterion, as well as to perform political activities at the level of economic operators or of public institutions.

(3) The performance of political activities at the level of economic operators or of public institutions is allowed, with their consent, only in election campaigns, according to the law.

(4) Within territorial organizations, political parties may organize structures which are to deal with issues specific to certain social or professional classes.

Art. 5.

(1) Each political party must have a full name, an abbreviated name and a permanent distinguishing mark. The full name, the abbreviated name and the permanent distinguishing mark must be clearly distinct from those of previously registered parties. It is prohibited to use the same graphic symbols, regardless of the figure in which they are enclosed.

(2) The provisions of par. (1) shall also apply to political alliances.

(3) The full and abbreviated name, as well as the permanent distinguishing mark may not reproduce or combine the national symbols of the Romanian state, of other states, of international organizations or of religious cults. Political parties which are members of international political organizations shall be excepted from this previous rule, as they may use the mark of the respective organization as such or in a specific combination.

(4) The permanent distinguishing mark may be changed at least 6 months prior to the elections date by the competent bodies of the party according to the statute and in compliance with Art. 25 and 26.

CHAPTER II

Members of political parties

Art. 6.

Citizens, who according to the Constitution have the right to vote, may be members of political parties.

Art. 7.

Persons who are prohibited by law to affiliate to political structures may not be a part of political parties.

Art. 8.

1) A Romanian citizen may not be a part of two or more political parties at the same time.

(2) A person joining another political party is considered to have resigned from the party in which it was a member.

(3) When joining a political party, any person must state in writing, on its own liability, whether it is a member of any other political party.

(4) The members of citizens' organizations pertaining to national minorities that enter candidates into elections may be a part of a political party, being entitled to candidate according to the law.

(5) No person may be compelled to be a part of or not to be a part of a political party.

(6) Acquiring or losing membership within a political party does not create privileges or limitations in exercising civil rights.

CHAPTER III

Organization of political parties

Art. 9.

Each political party must have its own statute and political program.

Art. 10.

The statute of the political party must include:

- a) the full and abbreviated name;
- b) the description of the permanent distinguishing mark;
- c) the permanent distinguishing mark in black and white and color graphics, attached as appendix;
- d) headquarters;
- e) the express addition that it seeks to achieve only political objectives;
- f) the rights and duties of the members;
- g) the disciplinary measures and the procedures by means of which they may be applied on the members;
- h) the procedure for electing executive bodies and their competencies;
- i) the competence of the general meeting of the members or of their representatives;
- j) the bodies authorized to submit a nomination in local, parliamentary or presidential elections;
- k) the body authorized to propose the reorganization of the party or to decide the affiliation to a political alliance or to other forms of affiliation;
- l) the circumstances under which it ceases its activity;
- m) the management of the property and financial resources, established according to the law;
- n) the body representing the party before public authorities and third parties;
- o) other records deemed as being compulsory under this law.

Art. 11.

The statute and political program of the party must be submitted in writing and approved by the bodies authorized by means of the statute.

Art. 12.

- (1) Political parties are subdivided, according to the administrative organization of the state, into territorial organizations which have the minimum number of members provided by the statute.
- (2) The local bodies may represent the political party before third parties at the proper local level, open bank accounts and are responsible for managing such accounts.

Art. 13.

- (1) The general meeting of the members and the executive body, regardless of the name given in the statute of each party, are compulsory governing forums of the political party and its territorial organizations. The boards of the territorial organizations are elected for a determined period of time, provided by the statute.
- (2) The statute may provide other bodies with explicitly formulated duties.

Art. 14.

- (1) At national level, the general meeting of the members of the political party or of their representatives is the supreme deliberative body of the party. It is convened at least once every 4 years.
- (2) The representatives to the meeting are chosen by the territorial organizations by secret vote. The number of representatives is determined based on the number of members. Their designation and assignment must be provided in the statute.

Art. 15.

- (1) In order to solve the differences occurred between the members of a political party or between the members and the boards of the party's organizations, an arbitration board shall be established at the level of the party and of its territorial organizations.
- (2) The members of the arbitration board are elected for no more than 4 years.
- (3) The arbitration board is organized and functions according to a regulation approved by the statutory body, which must make sure that the parties are entitled to an opinion and to defence, as well as provide reasonable decision-making procedures.

Art. 16.

- (1) The authorized bodies of the political party decide to accept members, according to the terms of the statute, as a result of the written applications submitted by the applicants.
- (2) The members are entitled to resign from the party at any time, with immediate effect.
- (3) Acquiring or losing membership within a political party is subject only to the internal jurisdiction of the respective party, according to the party's statute.

Art. 17.

- (1) The decisions of the political party and of its territorial organizations shall be adopted with the majority vote provided in the statute.
- (2) The election of the members of the management of the political party and of the boards of its territorial organizations shall be performed by secret vote.
- (3) The statute must set forth the right of each member to political initiative and to the possibility of its examination within an organized framework.

CHAPTER IV
Registration of political parties

Art. 18.

- (1) For registering a political party, the following documents must be submitted to the Bucharest Tribunal:
 - a) registration application, signed by the leader of the executive body of the political party and by at least 3 founding members, who shall be summoned in the court;
 - b) the party's statute, drafted according to the provisions of Art. 10;
 - c) the party's program;
 - d) the articles of incorporation, together with the list of supporting signatures of the founding members;
 - e) a statement regarding the headquarters and the property of the party;
 - f) the document establishing the opening of a bank account.

- (2) The registration application shall be posted at the Bucharest Tribunal for 15 days.
- (3) Within 3 days as of the submittal of the registration application, the related announcement shall be published by the applicant in a widely circulated central newspaper.

Art. 19.

- (1) The list of supporting signatures must specify the purpose, the drafting date and place, and for supporters it must contain: the first and last name, date of birth, address, type of ID, series and number, personal identification code, as well as signature. The persons supporting the registration of a political party may be only citizen with the right to vote.
- (2) The list shall be accompanied by a statement on own liability of the person drafting it, which shall certify the authenticity of the signatures, under the penalty provided by Art. 292 of the Criminal Code.
- (3) The list must contain at least 25.000 founding members, residing in at least 18 state counties and in Bucharest, but no less than 700 persons for each of these counties and Bucharest.
- (4) Each list shall contain individuals from a single area. The lists shall be grouped on localities and counties, in order for the provisions of par. (3) to be verified.

Art. 20.

- (1) The Bucharest Tribunal examines the registration application of the political party within an open meeting, with the participation of the representative of the Public Ministry.
- (2) Natural or legal persons may intervene in this process, if they submit an application for joinder as a party with a personal interest, according to the Code of civil procedure. The application for joinder shall be officially notified to the persons who signed the registration application.

Art. 21.

- (1) The Bucharest Tribunal shall pass a judgment in regard to the registration application of the political party in no more than 15 days as of the expiry of the term provided under Art. 18, par. (2).
- (2) The persons provided specified at Art. 18, par. (1), letter a), the Public Ministry or the persons provided under Art. 20, par. (2), may challenge the resolution of the Bucharest Tribunal at the Bucharest Court of Appeal, within 5 days as of its announcement.
- (3) The Bucharest Court of Appeal shall examine the challenge in an open meeting, within no more than 15 days as of its registration.
- (4) The resolution of the Bucharest Court of Appeal is final and irrevocable.

Art. 22.

The political party acquires legal personality as of the date the resolution of the tribunal regarding the approval of the registration application is deemed as final and irrevocable.

Art. 23.

The political parties whose registration applications were approved shall be recorded in the Register of political parties.

Art. 24.

- (1) Political parties must submit to the Bucharest Tribunal the following:
 - a) the documents certifying the general meeting, within 30 de days as of the date they were held;
 - b) the documents from the competent electoral authorities regarding the assignment of candidates in elections, within 30 de days as of the election date.
- (2) The submittal of the documents provided under par. (1) at the Bucharest Tribunal shall be recorded in the Register of political parties.

Art. 25.

- (1) The statute or the program of the political party may be amended according to the conditions provided by the statute.
- (2) Any amendment shall be notified to the Bucharest Tribunal, within 30 de days as of its adoption, with the fulfillment of the provisions of Art. 18, par. (2) and (3). The Bucharest Tribunal shall examine it according to the procedure provided under Art. 20 and 21.

Art. 26.

(1) If the amendments are not notified according to Art. 25, par. (2), or if the court has reject the application regarding the approval of the statute amendment, and the respective political party acts based on the amended statute, the Public Ministry shall request the Bucharest Tribunal to cease the activity of the political party and to deregister it from the Register of political parties.

(2) Within 15 days as of the registration of the application submitted by the Public Ministry, the Bucharest Tribunal shall pass a judgment in regard to it.

(3) The interested party may challenge the resolution of the Bucharest Tribunal at the Bucharest Court of Appeal within 5 days as of the passing of the judgment.

(4) The Bucharest Court of Appeal shall pass a judgment within 15 days as of the registration of the challenge, and its resolution is final and irrevocable.

(5) The final and irrevocable resolution to approve the amendment of the statute shall be published in the Romanian Official Gazette, Part 4.

Art. 27.

During each pre-election year, the political parties must update their member lists, in compliance with the requirements provided under Art. 19, par. (3) and (4). The updated lists shall be submitted at the Bucharest Tribunal until the 31st of December of the respective year.

CHAPTER V
Association of political parties

Art. 28.

(1) Political parties may associate based on an association protocol, establishing a political alliance.

(2) In the political parties' association protocol in a political alliance must specify the full and abbreviated name of the political alliance, as well as of the constitutive political parties, the permanent distinguishing mark of the alliance, the objectives of the alliance, the type of organization and the decision-making factors.

(3) The provisions of Art. 5, par. (4), shall be reasonably applied.

(4) The permanent distinguishing mark of the political alliance may be a specific sign or may be taken from one of the constitutive political parties.

Art. 29.

(1) For registering political alliances, the following documents shall be submitted at the Bucharest Tribunal:

a) the application regarding the registration of the political alliance, signed by the executive management of the political parties;

b) the association protocol;

c) the full and abbreviated name of the political alliance;

d) the description of the permanent distinguishing mark;

e) the permanent distinguishing mark in black and white and color graphics, as an appendix attached to the protocol.

(2) The procedure provided under Art. 18, par. (2), and (3), shall be reasonably applied.

Art. 30.

(1) The provisions Art. 20-22 shall be reasonably applied for political alliances.

(2) The political alliances whose applications were approved shall be recorded in the Register of political alliances.

Art. 31.

If the political alliance shall come forward in the elections with common lists, the candidates must be a part of the political party member of the alliance.

Art. 32.

(1) Political parties may associate in other forms with non-political formations, duly established, for the purposes of promoting common objectives.

(2) In the establishment protocol for association forms provided under par. (1), the name, permanent distinguishing mark - if applicable-, ally organizations, the objectives of the association, type of organization and decision-making factors shall be specified and it shall be submit at the Bucharest Tribunal to be recorded in the register of other forms of associations of the parties.

Art. 33.

Political parties which are members of political alliances or of other association forms shall maintain their legal personality and own property.

Art. 34.

Any change in the structure of the political alliance or in the association protocol shall be notified to the Bucharest Tribunal for the purposes of being registered, according to the provisions of Art. 28 and 29.

Art. 35.

The objectives of the political alliances, as well as their type of organization, must comply with the provisions of Art. 2 and 3, except for the participation with candidates in the elections, which is optional.

Art. 36.

If neither of the political parties participating in the election obtained absolute majority in the Parliament, the political parties with parliamentary representation may establish coalitions for ensuring governance. The coalitions are not subject to registration, and the establishment protocol shall only comprise provisions regarding the ensuring of governance and of parliamentary support.

CHAPTER VI

Reorganization of political parties

Art. 37.

(1) Duly established political parties may perform reorganization activities.

(2) The reorganization may consist of an amalgamation, by absorption or merger, or of a total or partial division.

Art. 38.

(1) The amalgamation of two or more duly established parties shall be performed through the approval of the amalgamation protocol by the supreme deliberative bodies of each party, provided under Art. 14 within their ordinary meeting.

(2) In the amalgamation protocol, the transfer methods of the amounts, assets and contracts owned by the amalgamated parties, as well as the procedure of guaranteeing the continuity of service in the party of the members of the merging political parties, shall be expressly specified.

(3) Its type shall be determined in the amalgamation protocol: by absorption or merger.

Art. 39.

(1) In case of amalgamation by absorption, one of the political parties shall maintain its legal personality, subrogating to the rights and obligations of the absorbed parties ceasing their activity, including through the accrual of their subsidies. The amalgamation protocol shall specify which party shall maintain its legal personality, having as consequence the maintaining of the full name, of the abbreviated name, of the permanent and electoral sign, as well as of the political program.

(2) The amalgamation protocol and, if applicable, the amendments of the statute of the party maintaining its legal personality shall be notified within 10 days as of its adoption date to the Bucharest Tribunal, following the procedure provided under la Art. 25 and 26.

(3) The absorbed political parties shall be deregistered from the Register of political parties.

Art. 40.

(1) Upon the amalgamation by merger of several political parties, a new political party shall emerge, which shall subrogate to the rights and obligations of the merging political parties and which, within 10 days, shall comply with the provisions of Art. 18, except for the submittal of the list of supporting signatures.

(2) The full name, the abbreviated name, the permanent distinguishing mark, the electoral sign and the political program of the new party may be new or may come from one or more parties participating in the merger.

(3) The Bucharest Tribunal shall examine the documents submitted by the new political party established through amalgamation by means of merger, according to the provisions of Art. 20-22.

(4) As a result of the irrevocable resolution delivered by the court registering the new party arising from the amalgamation by merger, it shall be registered in the Register of political parties, and the parties participating in the amalgamation shall be deregistered.

Art. 41.

(1) A duly established political party may divide through the decision of the supreme deliberative body, provided under Art. 14.

(2) The division may be total or partial.

(3) The registration of the party or of the parties resulting from the division shall be performed according to the provisions of Art. 18-21.

(4) The subsequent amendments of the statute of the party maintaining its legal personality shall be notified, within 10 days as of the division date, to the Bucharest Tribunal, following the procedure provided under Art. 25 and 26.

Art. 42.

(1) The total division consists of the distribution of the entire property of a political party which ceases its activity to two or more parties which already exist or which emerge as such.

(2) In case of total division, through the decision of approving the registration application of the last party which emerges as such, the divided party shall be deregistered from the Register of political parties from the Bucharest Tribunal.

Art. 43.

The partial division consists in the separation of a part of the property of a political party, which maintains its legal personality, and the transfer of such part to one or more parties which already exist or which emerge as such.

CHAPTER VII

Cessation of activity of political parties

Art. 44.

A political party ceases its activity by:

a) dissolution, by the resolution delivered by the Constitutional Court, for breaching Art. 37, par. (2) and (4), of the Romanian Constitution;

b) dissolution, by the resolution delivered by the Bucharest Tribunal;

c) self-dissolution, decided upon by the competent bodies specified in the statute;

d) reorganization, in the cases provided under Art. 39, par. (3), Art. 40, par. (4) or Art. 42, par. (2).

Art. 45.

The Constitutional Court decides on the challenges which have as subject the constitutionality of a political party, according to Art. 30, par. (7), Art. 37, par. (2) and (4), and Art. 144 letter i), of the Constitution, with the procedure set forth in the republished Law no. 47/1992 on the organization and operation of the Constitutional Court.

Art. 46.

(1) A political party shall legally dissolve in the following cases:

a) when the breaching of the provisions of Art. 30, par. (7), and of Art. 37, par. (2) and (4), of the Constitution, as well as of Art. 3, par. (3) and (4), of this law, is ascertained by the Constitutional Court, ;

b) when the objective or activity of the political party has become illegal or contrary to the public order;

c) when the achieving of the objective of the political party is performed through illegal means or contrary to the public order;

- d) when the party seeks to achieve other objectives than those set forth in the statute and the political program;
 - e) as a result of inactivity ascertained by the Bucharest Tribunal according to Art. 47, par. (1);
 - f) as a result of failure to fulfill the objectives set forth at Art. 1 and 2, ascertained by the Bucharest Tribunal according to Art. 48;
 - g) as a result of the enforcement of Art. 26.
- (2) The dissolution application shall be addressed to the Bucharest Tribunal by the Public Ministry and shall be settled according to the procedure norms provided under Art. 26, par. (2)-(5).

Art. 47.

(1) The inactivity of a political party may be ascertained in the following cases:

- a) a general meeting has not been held for 5 years;
- b) it did not appoint candidates, individually or in alliance, in two consecutive parliamentary election campaigns, in at least 18 electoral divisions.

(2) For the political party in any of the following cases provided under par. (1), the Bucharest Tribunal, on the request of the Public Ministry, shall ascertain the ceasing of its existence, by complying with the procedure norms provided under Art. 26, par. (2)-(4).

Art. 48.

(1) Failure to fulfill the objectives set for a political party, according to Art. 1 and 2, may be ascertained when a political party does not obtain in two consecutive general elections a minimum number of votes.

(2) The minimum number necessary for meeting the requirements provided under Art. 1 and 2 is of at least 50.000 votes at national level, for the nominations submitted in any of the following elections: county councils, local councils, Chamber of Deputies, Senate.

Art. 49.

The documents regarding the self-dissolution of the political party shall be submitted, within no more than 10 days, at the Bucharest Tribunal, for the purposes of being deregistered from the Register of political parties.

Art. 50.

Upon the reception of the documents regarding the political parties which fulfill any of the situations provided under Art. 44, the Bucharest Tribunal shall immediately deregister them from the Register of political parties.

CHAPTER VIII

Record of political parties and political alliances

Art. 51.

- (1) The Register of political parties is a legal instrument for keeping record of Romanian political parties.
- (2) The institution entitled to operate in the Register of political parties is only the Bucharest Tribunal.
- (3) The data in the Register of political parties are deemed as public information.
- (4) The registration and deregistration of political parties, operated in the Register of political parties, shall be published in the Romanian Official Gazette, Part I.

Art. 52.

- (1) The Register of political alliances is a legal instrument for keeping record of political alliances.
- (2) The provisions Art. 51, par. (2)-(4), shall reasonably be applied.

CHAPTER IX

Final and transitory provisions

Art. 53.

(1) Political parties existing at the date of the coming into force of this law shall continue to function on the basis of the legal deeds of registration valid at the date of their establishment.

(2) Within 6 months as of the coming into force of this law, the existing political parties shall comply with its provisions, following the legal procedure set forth under Art. 18-21, under the penalty of deregistering from the Register of political parties.

(3) The term of 6 month for registering is a limitation period.

Art. 54.

(1) The full and abbreviated name of a duly registered political party, as well as its permanent distinguishing marks, as of 1990, belong to it by right, if it was the first to use them, and may not be appropriated by other subsequently registered political parties.

(2) In the sense of this law, the phrase permanent distinguishing mark replaces the phrase the party's sign, used in the Law no. 27/1996 on political parties.

(3) The provisions of par. (1) shall also apply to political alliances.

(4) Upon the expiry of the term provided under Art. 53, par. (2), the political parties and alliances shall only use the full and abbreviated name, as well as the permanent distinguishing mark registered with the Bucharest Tribunal, both during current activities and during elections.

Art. 55.

The provisions of this law apply to citizens' organizations pertaining to national minorities which participate in the elections, except for Art. 6, Art. 10, letter e), Art. 12, par. (1), Art. 18, 19, 27, Art. 46, par. (1), letter e) and f), Art. 47, 48 and 53.

Art. 56.

The law no. 27/1996 on political parties, published in the Romanian Official Gazette, Part I, no. 87 of April 29, 1996, with subsequent amendments, is annulled, except for Chapter VI - Political parties' financing.

This law was adopted by the Chamber of Deputies in the meeting held on November 26, 2002, according to the provisions of Art. 74, par. (1), and of Art. 77, par. (2), of the Romanian Constitution.

THE PRESIDENT OF THE CHAMBER OF DEPUTIES
VALER DORNEANU

This law was adopted by the Senate in the meeting held on December 16, 2002, according to the provisions of Art. 74, par. (1), and of Art. 77, par. (2), of the Romanian Constitution.

PRESIDENT OF THE SENATE
NICOLAE VACAROIU

Bucharest, January 9, 2003.