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**JULY 4, 1989.** – Law related to the restriction and control of election expenses [used in the federal chambers elections], as well as to the financing and open accounting of political parties. <Title replaced by L 1994-05-19/62, art. 1;

**Effective with:** 25-05-1994>

(NOTE : Prior versions to be consulted as of 01-01-1990 and updated on 23-01-2008).

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#### [CHAPTER I.](#) – General provisions.

Article **1.** For the enforcement of this law, the following terms shall have the following meaning:

1° political party: association of natural persons, with or without legal personality, participating in the elections stipulated by the Constitution and required by law, presenting, according to article 117 of the Election Code, candidates for the representative and senator mandates in each (electoral division) within a Community or Region and that, within the boundaries of the Constitution, law, decree or ordinance, intends influencing the expression of popular will as defined by its statute or programme.

(Bodies, associations, groups and regional entities within a political party, that are directly related to this party, irrespective of their legal form, are included in the political party, namely:

- study services;
- scientific bodies;
- political institutes;
- producers of conceded political broadcasts;
- the institution referred to at article 22;
- entities established within districts and/or electoral divisions for the federal chambers elections and for (Community or Regional Parliaments);) <L 1998-11-19/42, art; 2, Effective with: 11-12-1998> <L 2006-03-27/34, art. 83, 008; Effective with: 21-04-2006>

(- political groups within the Federal chambers, (Community and Regional Parliaments) and provincial councils, and institutions established as an association without lucrative purpose, collecting the subsidies or grants awarded by these assemblies to political parties or political groups;) <L 2003-04-02/34, art. 2, 005; Effective with: 01-01-2003> <L 2006-03-27/34, art. 83, 008; Effective with: 21-04-2006>

2° revenue of a political party (and of its components) : <L 1998-11-19/42, art. 2, Effective with: 11-12-1998>

- grants awarded according to chapter III of this law (and/or according to another similar legal provision or regulation); <L 1998-11-19/42, art. 2, Effective with: 11-12-1998>

- (...);
- gifts, donations or legacies;
- contributions of groups within the Chamber of representatives, Senate (Community or Regional Parliaments) or provincial councils); <L 2003-04-02/34, art. 2, 005; Effective with: 01-01-2003> <L [2007-03-23/31](#), art. 2, 009; Effective with: 28-03-2007>

- members' contributions;
- revenue from movable and immovable assets;
- revenue from events and publications, as well as collections from advertising campaigns;
- contributions granted by the party components;
- various services with pecuniary value or that can be expressed in a pecuniary value;

3° expenses of a political party (and of its components) : <L 1998-11-19/42, art. 2, Effective with: 11-12-1998>

- expenses with employees;
- operating costs;
- publications;
- subsidies granted to party components;
- expenses related to election propaganda;
- expenses related to buildings;
- other expenses;

(3°bis political representatives: natural persons members within a parliamentary assembly or within an executive body of the European Union, Federal State, Community, Region, province, municipality or intracommunal district or appointed by one of these assemblies or executive body, with the exception of agents related to them, to hold a mandate within a public or private legal entity;) <L 2003-04-02/34, art. 2, 005; Effective with: 16-04-2003>

(4° The Commission of control: a commission equally composed of members of the Chamber of representatives and of the Senate, and presided by the

presidents of the Chamber of representatives and of the Senate. (After each complete renewal of the Chamber of representatives and of the Senate, the two assemblies appoint their representatives within the Commission of control. The commission is invested after appointment of the representatives and approved based upon a report signed by the presidents notifying their assembly. The commission fulfills the responsibilities undertaken as required by law starting with its investiture date.) <L [2008-01-18/30](#), art. 2, 1°, 010; Effective with: 23-01-2008>

The Commission of control defines in its articles of incorporation methods related to its structure, its functioning methods and methods used to make decisions, without prejudice of the majority conditions stipulated by the law, and establishes internal by-laws in order to fulfill the responsibilities undertaken as required by law. These articles of incorporation, as well as its internal by-laws, are both published in the Belgian Official Gazette.

The Commission of control is bound to consult, under the conditions stipulated by this law, the Audit Office both for the control of election expenses of political parties and individual candidates and for the control of financial reports drawn up by political parties and their components. If necessary, the commission can also request the report of the Audit Office for the fulfillment of its other legal duties.

(Terms applicable for the fulfillment of the duties undertaken by the Commission of control are suspended during the dissolution of the Federal Chambers. Terms are renewed starting with the date the commission is invested.) <L [2008-01-18/30](#), art. 2, 2°, 010; Effective with: 23-01-2008>

Except for the term stipulated at article 4bis, § 2, paragraph 3, the terms stipulated for the fulfillment of the duties undertaken by the Commission of control are suspended during the holiday periods set forth according to article 10, § 1, 3°, Law of April 6, 1995 organizing the Parliamentary Consultation Committee stipulated at article 82 in the Constitution and amending the laws on the State Council, reunited on January 12, 1973.) <L [2003-04-02/34](#), art. 2, 005; Effective with: 20-01-2003>

(other amending references:

- L [1993-06-18/34](#), art. 13
- L [1994-05-19/62](#), art. 2)

**CHAPTER II.** –Restriction and control of election expenses (for federal chambers elections). <L [1994-05-19/62](#), art. 3>

**Art. 2.** (§ 1. The total expenses and financial obligations related to the election propaganda of political parties on federal level, on electoral divisions level and on electoral bodies level, shall not exceed, for the elections of the Chamber of representatives and of the Senate, the value of ((EUR 1,000,000)). <AR [2000-07-20/71](#), art. 3, 002; ED: 01-01-2002>

Notwithstanding these prior provisions, when several elections are organized in the same day, the political parties shall not spend more than (EUR 1,000,000) for the full election expenses and financial obligations. <AR [2000-07-20/71](#), art. 3, 002; Effective with: 01-01-2002>

Twenty-five percent of this amount may, however, be imputed to candidates. In this case, the amount imputed to each candidate shall not exceed ten percent of the percentage stipulated in this paragraph.

Political parties may focus their election campaign on federal level, on electoral divisions level and on electoral bodies level on one or several candidates. (In this case, the parties shall prove that the expenses made for this (these) candidate(s), are included in a coherent manner within the party's campaign.) <L [2007-03-23/31](#), art. 3, 1°, 009; Effective with: 28-03-2007>

§ 2. The total expenses and financial obligations related to the election propaganda of determined candidates shall not exceed, regarding the elections for the Chamber of representatives:

1° for each candidate on top of the list up to the number of mandates obtained by his(their) list(s) during the first elections and for any additional candidate to be appointed by the political party (on the presented list of candidates):

((EUR 8,700), increased by (EUR 0,035)) per voter registered during prior elections for the Federal chambers within the election division where the candidate is presented; <AR 2000-07-20/71, art. 3, 002; Effective with: 01-01-2002> <L 2003-04-02/34, art. 3, 005; Effective with: 16-04-2003> <L [2007-03-23/31](#), art. 3, 2°, 009; Effective with: 28-03-2007> <L [2007-03-23/31](#), art. 3, 2°, 009; Effective with: 28-03-2007>

(2° for a candidate inscribed on the list of a political party who, during the last elections, did not receive any mandate or has not presented himself in the related election division: the amount specified at 1. This candidate shall not be necessary the one inscribed on top of his list;) <L 2003-04-02/34, art. 3, 005; Effective with: 16-04-2003>

§ 2bis. (...) <L [2007-03-23/31](#), art. 3, 3°, 009; Effective with: 28-03-2007> r by the political party: 8,700 euros, increased by 0.035 euro per voter registered during prior elections for the Federal chambers within the involved election divisions. These candidates shall not, however, make expenses, within each of these election divisions, exceeding the maximum amount applicable for various election divisions, as set forth according to § 2;

2° for a candidate inscribed on the list of a political party who, during the last elections, did not receive any mandate or has not presented himself in the related election division: the amount specified at 1. This candidate shall not be necessary the one inscribed on top of his list. He shall not, however, make expenses, within each of these election divisions, exceeding the maximum amount applicable for various election divisions, as set forth according to § 2;

3° for each other titular candidate and the first substitute candidate, as far as the last candidate is not under the provisions set forth at 1: 5,000 euros;

4° for each substitute candidate, as far as the last candidate is not under the provisions set forth at 1: 2,500 euros.

Candidates mentioned at paragraph 1, 1° and 2 assign fixed expenses related to their election propaganda that they can't assign to one of the election division proportionally between their statements made for various election divisions, in proportion to the number of voters inscribed during prior elections for the Federal chambers within the involved election divisions.) <L 2003-04-02/34, art. 3, 005; ED: 16-04-2003>

3° (for any other titular candidate and the first substitute candidate, as far as the last candidate is not under the provisions set forth at 1: 5,000 euros;) <L 2002-12-13/41, art. 27, 003; Effective with: 20-01-2003>

4° (for any other substitute candidate, as far as he is not under the provisions set forth at 1: 2,500 euros.) <Re-adopted by L 2002-12-13/41, art. 27, 003; Effective with: 20-01-2003>

**§ 3. The total expenses and financial obligations related to the election propaganda of determined candidates shall not exceed, regarding Senate elections:**

**1° for each of the candidates on top of the list up to the number of mandates obtained by his(their) list(s) during the first elections and for any additional candidate to be appointed by the political party (on the presented list of candidates): ((EUR 8,700), increased by (0.0175 euro) per valid vote expressed during the prior elections to the advantage of, respectively, the French or Dutch electoral body; <AR 2000-07-20/71, art. 3, 002; Effective with: 01-01-2002> <L 2003-04-02/34, art. 3, 005; Effective with: 16-04-2003> <L [2007-03-23/31](#), art. 3, 4°, 009; Effective with: 28-03-2007>**

**(2° for a candidate inscribed on the list of a political party who, during the last elections, did not receive any mandate or has not presented himself in the related election division: the amount specified at 1. This candidate shall not be necessary the one inscribed on top of his list;) <L 2003-04-02/34, art. 3, 005; Effective with: 16-04-2003>**

**This candidate shall not be necessary placed on top of the list;**

**3° (for any other titular candidate and the first substitute candidate, as far as the last candidate is not under the provisions set forth at 1: 10,000 euros;) <L 2002-12-13/41, art. 27, 003; Effective with: 20-01-2003>**

**4° (for each substitute candidate, as far as the last candidate is not under the provisions set forth at 1: 5,000 euros.) < Re-adopted by L 2002-12-13/41, art. 27, 003; Effective with: 20-01-2003>**

**§ 4. In case several candidates on the same list reunite for their election propaganda, they shall priorly set forth, in writing, the share of expenses to impute to their quorum.**

**(Paragraph 2 abrogated) <L 2003-04-02/34, art. 3, 005; Effective with: 16-04-2003>**

**§ 5. In case, when several elections are organized in the same day, there is an extra candidate on a list, the maximum amount stipulated by the laws related to the restriction and control of election expenses for the determined candidates shall not be added. Only the highest maximum amount shall be taken into account.**

**§ 6. Amounts stipulated at §§ 1 - 3 are adjusted to the variation of the production costs used by advertising media during the election campaign, based upon a formula set forth by royal decision made by the Council of Ministers, according to the threshold-index applicable on January 1st, 1994.)**

**(amending references:**

**- L 1994-05-19/62, art. 4**

**- L 1995-04-10/34, art. 1, Effective with: 25-04-1995**

**- L 1998-11-19/42, art. 3, Effective with: 11-12-1998)**

**[Art. 3.](#) The Ministry of Interior shall notify, within maximum twenty days prior the elections, the maximum amounts calculated according to the provisions of article 2, § 2, 1° and § 3, 1°, that determined candidates can spend.**

**[Art. 4.](#) § 1. (Are considered election propaganda expenses as required by the provisions of this law all expenses and financial obligations related to verbal, written, sound and visual messages intended to have a favorable impact on the result of a political party and of its candidates and that are issued, as the case**

may be, within three months prior to the elections organized according to article 105 of the Election Code or, for extraordinary elections, during the period starting with the publication date in the Belgian Official Gazette of the royal decision on summoning the electoral bodies of the Federal chambers and ending with the elections date. However, if, for extraordinary elections, the publication of the said royal decision is made after the beginning of the three-month period mentioned above, the already elapsed term is taken into account.)

(§ 2. Also, are considered election propaganda expenses as per § 1, expenses made by third parties for the benefit of political parties or candidates, unless the last:

- request, from the day they become acquainted with the campaign conducted by the said third parties, in a notification, by registered mail, the termination of this campaign;
- send a copy of the said letter, accompanied or not by the written approval of the third parties, requesting the termination of the campaign, to the presidents of the main offices, who shall, according to article 94ter, § 1, paragraph 1, of the Election Code, draw up a report related to the election propaganda expenses made by the candidates and the political parties. These presidents shall attach the said document(s) to the statements on the election expenses and the origin of funds submitted by the parties or the involved candidates.) <L 2003-04-02/34, art. 4, 005; Effective with: 16-04-2003>

(§ 3.) Are not considered election propaganda expenses: <L 2003-04-02/34, art. 4, 005; Effective with: 16-04-2003>

- 1° supply of unpaid personal services as well as the use of any personal vehicle;
- 2° publication in a daily or a periodic journal of in-depth articles, provided this publication is performed in a similar manner and according to the same rules as those beyond the election period, without any remuneration, retribution, nor any promissory payment or compensation, the daily or periodic journal has not been especially created for or with a view to serving the elections and the distribution and frequency of publication are the same as beyond the election period;
- 3° radio or tv broadcast of programmes containing opinions or comments, provided these programmes are broadcasted in the same manner and according to the same rules as beyond the election periods, without any payment, retribution, nor any promissory payment or compensation;
- 4° radio or tv broadcast of any election programme or series of election programmes, provided representatives of political parties as per article 1 can participate in these programmes;
- 5° radio or tv broadcast of any election programme, provided their number and duration are set forth depending on the number of political parties' representatives within the legislative assemblies.

(6° the cost of periodic events, provided:

- they feature no exclusive electoral purpose;
- they are regular and recurrent, and have the same features regarding the organisation; the periodicity is assessed based upon a two-year reference period prior to the period as specified at § 1, during which the said event will have taken place at least once a year, or based upon a four-year reference period prior to the period as specified at § 1, during which the said event will have taken place at least once every two years. If expenses made for advertising and invitations are, however, clearly exceptional compared to the normal progress of a similar event, they shall be imputed, by exception, as election expenses;

7° the cost of payable non-periodical events, organized on election purposes, as far as expenses are covered by the revenue, except for the ones derived from sponsorships, and if there are no expenses made for advertising and invitations. If expenses are not covered by the revenue, the difference shall be imputed as election expense;

8° expenses made, during the election period, within the normal organization of a party on national or local level, especially for the organization of party conferences and meetings. However, if expenses made for advertising or invitation reasons are clearly exceptional compared to the normal progress of this type of events, they shall be, by exception, imputed as election expenses;

9° expenses related to the creation, customization and management of internet applications, provided they operate in the same manner and according to the same rules as beyond the reference period.) <L 2003-04-02/34, art. 4, 005; Effective with: 16-04-2003>

(§ 4. The expenses and financial obligations related to goods, supplies and services as per (§§ 1 and 2), shall be imputed based upon the market price.) <L 2003-04-02/34, art. 4, 005; Effective with: 16-04-2003>

(amending references:

- L 1991-05-21/56, art. 1

- L 1993-06-18/34, art. 2

- L 1994-05-19/62, art. 5

- L 1994-07-12/31, art. 1, § 1

- L 1995-04-10/34, art. 2, Effective with: 25-04-1995)

**Art. 4bis.** <Introduced by L 1994-07-12/31, art. 2> § 1. The Commission of control is bound to control all communications and information campaigns, irrespective of the media support, of the Federal Government or one or several of its members, of the Community or Regional Government or one or several of its members, of the bodies specified at article 60 of the special law of January 12, 1989 related to Bruxelles institutions or one or several of its members, of one or several Regional State secretaries specified at article 41 of the same special law, of the presidents of Federal Chambers, of presidents (of Community or Regional Parliaments) as well as of the presidents of the reunited assembly and linguistic groups specified at article 60 of the special law of January 12, 1989 related to Bruxelles institutions, intended for the public, to which they are not bound based upon any legal or administrative provision and that are directly or indirectly financed by public funds. <L [2007-03-23/31](#), art. 4, 009; Effective with: 28-03-2007>

§ 2. Federal Government or one or several of its members, Community or Regional Governments or one or several of its members, the bodies specified at article 60 of the special law of January 12, 1989 related to Bruxelles institutions or one or several of its members, one or several Regional State secretaries specified at article 41 of the same special law, the presidents of the Federal Chambers, the presidents (of the Community or Regional Parliament) as well as the presidents of the reunited assembly and linguistic groups specified at article 60 of the special law of January 12, 1989 related to Bruxelles institutions intending to release a communication or information campaign as per § 1 shall submit, prior to the distribution, a summary note to the Commission of control. <L [2007-03-23/31](#), art. 4, 009; Effective with: 28-03-2007>

This note reviews the content and reasons of the communication or information

campaign, methods used, the total cost and the consulting companies.

Within fifteen days after submission of the summary note, the Commission of control gives a non-binding notice.

The notice is negative in case the specific communication or campaign intends, totally or partially, promoting the personal image of one or several members of the institutions specified at § 1 or of the image of a political party.

If the Commission fails to give a notice within fifteen days, the notice is considered positive.

§ 3. Within fifteen days after publication or distribution of the communication or information campaign, upon request of any third party of the members within each linguistic group, the Commission of control becomes informed of the file for which the negative notice has been given.

The Commission becomes also informed based upon the same procedure in case the content of the communication or information campaign presented in the summary note has been modified.

§ 4. If the communication or information campaign intends promoting the personal image of one or several members of the Federal Government, one or several members of the Community or Regional Governments, one or several members of the bodies specified at article 60 of the special law of January 12, 1989 related to Bruxelles institutions, one or several Regional State secretaries specified at article 41 of the same special law, of the presidents of the Federal Chambers, of the presidents (of Community or Regional Parliaments) or of the presidents of the reunited assembly and linguistic groups specified at article 60 of the special law of January 12, 1989 related to Bruxelles institutions or the image of a political party, the Commission shall impute the expenses with this communication or campaign to the election expenses of the involved parties during the following elections to which they participate. <L [2007-03-23/31](#), art. 4, 009; Effective with: 28-03-2007>

If the notice given by the Commission of control as specified in this article is not requested, the communication or campaign costs shall be imputed, by rights, to the election expenses of the involved parties during the following elections to which they participate. For that purpose, the Commission of control is informed ex officio.

The justified decision given by the Commission is awarded during the month following the submission, according to the provisions set forth by the rights of defence.

The decision of the Commission of control is made by simple majority within each linguistic group.

This decision is notified to the involved parties within the following seven days.

The decision is published in the Belgian Official Gazette.

**Art. 5.** (1. (During the terms defined in article 4, § 1, the political parties and the candidates as well as any third party intending to make propaganda for the benefit of political parties or candidates:)

1° (shall not use commercial advertising posters or billboards;)

(2°) shall not use non-commercial advertising posters or billboards with a surface over 4 m<sup>2</sup>; <L [2003-04-02/34](#), art. 5, 005; Effective with: 16-04-2003>

(3° shall not sell gadgets or distribute gifts or gadgets, irrespective of the distribution method and without prejudice to article 184 of the Election Code, except for the benefit of candidates and persons who, based upon article 4, § 3,

1° make unpaid election propaganda for the benefit of political parties and candidates. Gadgets mean any object, except for hard copies on paper or any other information support transmitting any political message solely containing opinions or illustrations, that are used as souvenirs, accessories, trinkets or usual objects and that the person distributing them hopes they will have an impact on the person who receives them and who will further on use them with their regular purpose, the user perceiving each time the message inscribed on the object;) <L 2003-04-02/34, art. 5, 005; Effective with: 16-04-2003>

(4° shall not organize commercial campaigns by telephone;

5° (shall not broadcast commercial advertisements on radio, television and in movie theaters, nor any paid messages on the Internet.) <L [2007-03-23/31](#), art. 5, 009; Effective with: 28-03-2007>

(§ 2. For the same period, the province governor or the governor of the administrative district Capital Bruxelles sets forth, by police order, the methods used to place election billboards and to organize motorized caravans.) <L 2003-04-02/34, art. 5, 005; Effective with: 16-04-2003>

**Art. 6.** <L 2003-04-02/34, art. 6, 005; Effective with: 16-04-2003> Upon request of a list number, political parties submit a written statement in which they commit to:

1° observe the legal provisions related to the restriction and control of election expenses;

2° account, with confirmation of receipt and within forty-five days following the election date, for their election expenses and origin of funds assigned to the president of the main office within the election division for the election of the Chamber of representatives, in the jurisdiction of which the party's office is established, and transmit, for the purpose of exercising the right of consultation as per article 94ter, § 2, paragraph 2, of the Election Code, a copy of their statement, as the case may be, to the president of the French electoral body or Dutch electoral body;

3° keep, for two years starting with the elections date, the documentary evidence related to the election expenses and origin of funds.

As far as gifts are listed in the statement of the origin of funds, they also commit to record the identity of the natural persons making donations equivalent to 125 euros or more to finance the election expenses, not to disclose it and to transmit it within forty-five days after the elections date to the Commission of control, who shall check the observance of this obligation according to article 16bis.

The written statement, the statement with the election expenses and the statement with the origin of funds, as well as the confirmation of receipt, are drawn up based upon special forms set forth by the Ministry of Internal Affairs and published in due time in the Belgian Official Gazette. The forms of the election expenses statement and the statement with the origin of funds, as well as the registration forms specified at paragraph 2, are made available to the political parties at a later date, upon request of a list number.

These forms are signed, dated and submitted, against confirmation of receipt, by the applicants.

The King decrees, by order of the Council of Ministers, the submission methods for the statement with the election expenses and the statement with the origin of funds as well as the method used for their inventory and record.

[Art. 7.](#) <amending provision of the Election Code>

[Art. 8.](#) < amending provision of the Election Code >

[Art. 9.](#) < amending provision of the Election Code >

[Art. 10.](#) < amending provision of the Election Code >

[Art. 11.](#) < amending provision of the Election Code >

[Art. 11bis.](#) <Introduced by L 2003-04-02/34, art. 7; Effective with: 16-04-2003>  
The presidents of the Commission of control shall immediately transmit to the Audit Office, by registered mail, a copy of the received reports according to article 94ter, § 2, of the Election Code from which they shall demand, according to article 1er, 4°, paragraph 3, within one month, a notice related to the accuracy and completeness of these reports. (The inspection made by the Audit Office shall suspend the term specified at article 12, § 1er.) <L [2007-03-23/31](#), art. 6, 009; Effective with: 28-03-2007>

[Art. 12.](#) <L 2003-04-02/34, art. 8, 005; Effective with: 16-04-2003> § 1.  
Without prejudice to article 1, 4°, paragraphs 4 and 5, the Commission of control decides, within one hundred and eighty days after the elections date, in public assembly, according to the provisions set forth by the rights of defence and after acknowledgement of the notice given by the Audit Office based upon article 11bis, upon the accuracy and completeness of the reports specified at article 94ter of the Election Code (given that the commission decides in any case on a ninety days term after investiture). (In order to fulfill its mission, it can), according to the procedure set forth in the internal by-laws, request any additional information that it would consider necessary. <L [2007-03-23/31](#), art. 7, 009; Effective with: 28-03-2007> <L [2008-01-18/30](#), art. 3, 010; Effective with: 23-01-2008>

§ 2. Resolutions specified at § 1, including those taken according to articles 13 and 14, § 2, for violation of articles 2, 4 and 5, § 1, found by it, as well as their motivation are presented in a report approved by the Commission of control.

This report contains at least the following data:

1° for each political party, the total amount of election expenses made for this specific party;

2° for each election division, the total amount of election expenses made for each list and the total amount of expenses made for all the candidates on the list and for each candidate elected separately.

The notice given by the Audit Office shall be attached to the report.

§ 3. The presidents of the Chamber of representatives and of the Senate shall immediately transmit a copy of the report, by registered mail, as the case may be, to the political party or the person towards whom the commission has issued the decision as per § 2, paragraph 1.

They shall also immediately transmit a copy of the report to the Belgian Official Journal services, to be published in the Belgian Official Journal annexes within thirty days from its reception.

[Art. 13.](#) ((In case of violation of article 2, § 1,) the involved political party shall

lose, (during the subsequent period set forth by the Commission of control and that can't be inferior to one month nor superior to four months), the right to the subsidy specified at article 15. <L 1993-06-18/34, art. 6> <W 1994-05-19/62, art. 7> <L 2003-04-02/34, art. 9, 005; Effective with: 16-04-2003> <L [2007-03-23/31](#), art. 8, 009; Effective with: 28-03-2007>

**Art. 14.** <L 1991-05-21/56, art. 2> (§ 1. Shall incur penalties as specified at article 181 of the Election Code:

1° whoever has made expenses or commitments related to election propaganda without having notified the president of the involved main office;

2° whoever has deliberately made expenses or commitments related to election propaganda exceeding the maximum amount as per article 2, §§ 2 and 3;

(3° (whoever has failed to declare his election expenses and/or the origin of funds within the term set forth at article 116, § 6, of the Election Code;)

(4° whoever has failed to observe the provisions set forth at article 5).)

§ 2. Any violation as specified at § 1 shall be liable to legal proceedings initiated by the King's Prosecutor, or (upon denunciation) by the Commission of control or (upon complaint) by any interested person. <L [2007-03-23/31](#), art. 9, 1°, 009; Effective with: 28-03-2007>

§ 3. The term to exercise the initiative right of the King's Prosecutor (the denunciations) and the submission of complaints related to the violations specified at § 1 expires on the (two hundredth) day following the elections (given that the Commission of control decides in any case on a one hundred and ten days term after investiture). (Regarding the Commission of control, this term is interrupted or suspended according to article 1, 4°, paragraphs 4 and 5). <L 2003-04-02/34, art. 10, 005; Effective with: 16-04-2003> <L [2007-03-23/31](#), art. 9, 2°, 009; Effective with: 28-03-2007> <L [2008-01-18/30](#), art. 4, 010; Effective with: 23-01-2008>

(With respect to the denunciations made by the Commission of control, the King's Prosecutor decides in any case on a thirty days term starting with the denunciation receipt for the exercise of the public action.) <L [2007-03-23/31](#), art. 9, 2°, 009; Effective with: 28-03-2007>

The King's Prosecutor remits to the Commission of control a copy of the complaints that are not issued by it, within eight days from the receipt date. The King's Prosecutor notifies the Commission of control, within the same term, on his resolution to initiate legal proceedings regarding the actions specified at § 1.

(Within thirty days from the receipt of the copy with the submitted complaints or with the resolution to initiate legal proceedings), the Commission of control submits to the King's Prosecutor a justified notice on the complaints and legal proceedings, of which it has been notified by the King's Prosecutor based upon the above mentioned paragraph.

The notice term suspends the legal proceedings.

§ 4. Any person having submitted a complaint or legal action that proves to be unjustified and has been found deliberately harming shall incur penalties of 50 to 500 francs.)

(other amending references:

- L 1993-06-18/34, art. 7

- L 1994-05-19/62, art. 8

- L 1998-11-19/42, art. 6, Effective with: 11-12-1998)

### **CHAPTER III. – Financing political parties.**

**Art. 15.** The Chamber of representatives and of the Senate, each on their own behalf, shall grant, for each represented political party (within one of the) Assemblies by at least one member of Parliament directly elected, a subsidy on behalf of the institution defined at article 22. This subsidy is determined and granted based upon the following articles. <L 2005-02-17/56, art. 2, 006; Effective with: 01-06-2003>

**Art. 15bis.** <Introduced by L 1995-04-10/33, art. 1, Effective with: 25-04-1995> In order to benefit from the subsidy specified at article 15, each party shall, (...), include in its statutes or programme a provision according to which it commits to observe the political action it intends to conduct and make its different components and elected representatives observe at least the rights and freedoms guaranteed under the Convention for the Protection of Human Rights and Fundamental Freedoms of November 4, 1950 as approved by the law of May 13, 1955 and amended by additional protocols in force in Belgium. <L 2007-03-23/31, art. 11, 009; Effective with: 28-03-2007>

**Art. 15ter.** <Introduced by L 1999-02-12/40, art. 2, Effective with: 18-03-1999> § 1. When a political party, by its own act or by the act of its components, lists, candidates or elected representatives, proves itself, in a clear manner and based upon several corresponding signs, hostile towards the rights and freedoms guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms of November 4, 1950 as approved by the law of May 13, 1955 and amended by additional protocols in force in Belgium, the subsidy, that, according to the provisions set forth in this chapter, is granted to the institution specified at article 22 shall be, if (the general assembly within the administrative division) of the State Council decides thereupon, cut off within fifteen days by the Commission of control up to the amount decided by the State Council. <L 2005-02-17/62, art. 9, 1°, 007; Effective with: 13-10-2005>

(The request submitted by at least a third of the members of the Commission of control shall be directly addressed to the State Council. In case of non-reception, the remitted request contains the name of the applicant-parties, the institution specified at article 22 against which the request is addressed, a summary of the facts and corresponding signs as well as the right(s) established by the Convention specified in the above paragraph and towards which it is alleged that the guilty party has proved itself hostile. The request also designates the natural and legal persons involved in the above mentioned facts. The King may set forth further methods regarding the content of the request. The State Council decrees, within six months from the notification, an order duly motivated and may decide to cut off the subsidy that, based upon the provisions in this chapter, is granted to the institution specified at article 22, namely up to twice the amount of the expenses financed or made for the fulfillment of this act, namely during a period that shall not be inferior to three months, nor superior to one year.) <L 2005-02-17/62, art. 9, 2°, 007; Effective with: 13-10-2005>

(The State Council may decree the publication or distribution of its order or of a summary thereof in journals or in any other manner, at the expense of the institution specified at article 22 under penalty.) <L 2005-02-17/62, art. 9, 3°, 007; Effective with: 13-10-2005>

§ 2. (The parties may draw up their request and any other procedural writ, as well as their statements, in the language of their choice.

These requests, writs and statements shall be translated by the services of the State Council upon request of any party on motivated grounds.

Procedural writs issued by the bodies of the State Council as well as orders are drawn up in the language of the linguistic group to which the deputies or senators within the political party specified at § 1, paragraph 2 belong. They are translated by the State Council services upon request of any party on motivated grounds.

When the involved political party includes deputies or senators who don't exclusively belong to one of the French linguistic groups or one of the Dutch linguistic groups within the Chamber and the Senate, the procedural writs issued by the State Council as well as the orders are notified in French and in Dutch, as well as in German upon request of any party on motivated grounds .

The requests and other procedural writs co-signed by the deputies or senators who don't exclusively belong to one of the French linguistic groups or one of the Dutch linguistic groups within the Chamber or the Senate, may be drawn up in the two or three national languages, as the case may be. Procedural writs issued by the bodies of the State Council, as well as the orders shall be, in this case, notified in the two or three national languages, as the case may be. State Council services provide the translation of acts and statements drawn up by other parties upon request of any party on motivated grounds.) <L 2005-02-17/62, art. 9, 4°, 007; Effective with: 13-10-2005>

§ 3. (...) <L 2005-02-17/62, art. 9, 5°, 007; Effective with: 13-10-2005>

**Art. 16.** The total annual subsidy assigned to each political party complying with the provisions (of articles 15 and 15bis), is composed of the following amount: <L 1995-04-10/33, art. 2, Effective with: 25-04-1995>

1° a lump sum equivalent to ((EUR 125,000)); <L 1993-06-18/34, art. 8> <AR 2000-07-20/71, art. 3, 002; Effective with: 01-01-2002>

2° an additional sum equivalent to ((EUR 1.25)) per valid vote, being list vote or nominative vote, issued on the candidates lists acknowledged by the political party during the last general elections with a view to fully renewing the Chamber of representatives and of the Senate. <L 1993-06-18/34, art. 8> <AR 2000-07-20/71, art. 3, 002; Effective with: 01-01-2002>

(Each party may withdraw from the benefit of the subsidy assigned to it based upon paragraph 1.) <L 1993-06-18/34, art. 8>

**Art. 16bis.** <L 1993-06-18/34, art. 9> Only natural persons may make donations to political parties (and their components), lists, candidates and political representatives. Candidates and political representatives may, however, receive donations from the political party or the list on behalf of which they stand as candidates or exercise their mandate. (Also, components may receive donations from their political party and vice-versa.) Without prejudice to the prior provisions, donations from natural persons acting in fact as intermediaries of legal persons or de facto associations are prohibited.)

((Without prejudice to the registration obligation as specified at article 6, paragraph 2, and article 116, § 6, paragraph 2, of the Election Code, the identity of natural persons making donations, in any form, equivalent to 125 euros and more to political parties and their components, lists, candidates and political

representatives shall be annually registered by the beneficiaries.) Political parties and their components, lists, candidates and political representatives may each receive annually, as donations from the same natural person, an amount not exceeding (EUR 500), or its equivalent value. The donor may assign each year a total amount not exceeding (EUR 2,000), or the equivalent value of this amount, for donations to the benefit of political parties and their components, lists, candidates and political representatives.) (The installments paid by political representatives to their political party or components are not considered donations.) <AR 2000-07-20/71, art. 3, 002; Effective with: 01-01-2002> <L 2003-04-02/34, art. 11, 005; Effective with: 16-04-2003>

Supplies granted freely or against an amount inferior to the real cost by legal persons (natural persons) or de facto associations are similar to donations, as well as opening credit lines without repayment obligation. Supplies invoiced by a political party or candidate with an amount clearly superior to the market cost are also considered donations made by legal persons (natural persons) or de facto associations.

The political party accepting a donation in violation of this provision, shall lose, up to twice the amount of the donation, its right to the subsidy that, according to chapter III of this law, would be granted to the institution specified at article 22 during the months after the Commission of control sets up this violation.

(Any person who shall grant a donation, in violation of this provision, to a political party, to one of its components – irrespective of its legal form -, to a list, to a candidate or a political representative or any person who, acting as a candidate or a political representative, shall accept a donation, shall incur penalties equivalent to 26 francs to 100,000 francs. Any person who, without being a candidate or a political representative, shall accept such a donation on behalf and to benefit of a political party, list, candidate or political representative, shall incur the same penalties.)

The First Book of the Penal Code, without exception of chapter VII and article 85, is enforceable for these violations.

On decision of the tribunal, the sentence may be published integrally or partially in the assigned journals and weekly papers.)

(other amending references :

- L 1994-05-19/62, art. 9

- L 1998-11-19/42, art. 7, ED : 11-12-1998)

**Art. 16ter.** <L 2007-03-23/31, art. 13, 009; Effective with: 28-03-2007> § 1.

At the end of each year, political parties and their components, as well as political representatives, draw up, in receiving order, the statement specified at article 16bis, paragraph 2, with all donations equivalent to 125 euros and more granted to them, irrespective of their form, during the current year.

§ 2. The statement shall include the name and surname of the natural person granting the donation, the full address (street, number and district of the main residence), nationality, the amount of each donation, the date the donation has been received and the total amount of all donations received during the current year.

§ 3. The statement shall be submitted against receipt, at the latest on April the 30<sup>th</sup> of the year following the reporting year, to the Commission of control monitoring the observance of the obligations set forth at article 16bis and in this article.

§ 4. The King shall establish, by royal decision issued by the Council of Ministers, a draft of the statements specified in this article and in the articles 6 and 16bis, as well a draft of the statements from article 116, § 6, paragraph 2, of the Election Code.

§ 5. When a political party or one of its components fails to submit the statement specified at § 1 or in case of delayed submission, the party shall lose the right to the subsidy specified at article 15 during the subsequent period set forth by the Commission of control that shall not be inferior to one month, nor superior to four months.

§ 6. The political representative failing to submit the statement specified at § 1 or performing a delayed submission shall incur a penalty equivalent to 26 euros to 100,000 euros.

[Art. 17.](#) The indication of the protected (symbol or logo) or common order number allows the recognition of the candidates' list according to the provisions of article 115bis of the Election Code. <L 2003-02-19/42, art. 12, 004; Effective with: 31-03-2003>

[Art. 18.](#) <L 2003-04-02/34, art. 13, 005; Effective with: 16-04-2003> The amount specified at article 16, 1° and 2 are adjusted depending on the variations of the consumer price index. Basic indices are indices from January 1993 and respectively January 2003.

<L 2012-02-15, art. 2. — Loi modifiant la loi du 4 juillet 1989 relative à la limitation et au contrôle des dépenses électorales engagées pour les élections des Chambres fédérales, ainsi qu'au financement et à la comptabilité ouverte des partis politiques afin de geler les dotations allouées aux partis politiques pour les années budgétaires 2012 et 2013> :

« Adaptation depending on consumer price index variations referred in the 1st comma do not apply for the budgetary years of 2012 and 2013. »

[Art. 19.](#) Credits granted respectively to the Chamber of representatives and of the Senate are registered in the Subsidys' Budget.

The amount specified at article 16, 1 is equally assigned between the Chamber of representatives and the Senate.

[Art. 20.](#) The subsidy, as determined at articles 15, 16, 18 and 19, shall be calculated and paid in (on a monthly basis). <L 1993-06-18/34, art. 11>

The calculation is made based upon data available on the first day (of the month) for which the subsidy is paid in. <L 1993-06-18/34, art. 11>

[Art. 21.](#) The subsidy shall be registered with a written (monthly) request before the end (of the month). <L 1993-06-18/34, art. 11>

The request shall be addressed by the institution specified at article 22 to the presidents of the Chamber of representatives and of the Senate.

#### [CHAPTER IV.](#) – Accounting of the political parties.

[Art. 22.](#) Each political party observing the provisions set forth (at articles 15 and 15bis) shall appoint the institution established as an association without

lucrative purpose receiving the subsidy granted according to chapter III. <L 1995-04-10/33, art. 3, Effective with: 25-04-1995>

(The institution specified at paragraph 1 has the following duties:

- to collect public subsidies;
- to draw up an annual centralized list with the donations equivalent to (EUR 125) and more granted to the party's components by the natural persons for whom a statement has been submitted; <AR 2000-07-20/71, art. 3, 002; Effective with: 01-01-2002>
- to draw up a list with the party's components included in the consolidation area;
- to incorporate on administrative level the components specified at the above subitem and to check if they observe the legal regulations related to the accounting of political parties.) <L 1998-11-19/42, art. 9, Effective with: 01-01-1999>

By decision issued by the Council of Ministers, the King shall approve one institution per political party and shall set forth the methods used for registration and closing of accounts and revenues of this institution.

**Art. 23.** <L 1999-06-23/38, art. 2, Effective with: 29-08-1999> § 1. The board of administrators of the institution specified at article 22 draws up a financial report on the annual reports of the political party and its components.

The financial report is drawn up each year according to the provisions of the law of July 17, 1975 regarding the companies' accounting and annual reports and orders of execution.

The financial report includes at least the documents listed in the annex to this law, in the form set forth in the annex, as the case may be.

§ 2. The general assembly of the institution specified at article 22 shall appoint an auditor. The auditor shall draw up annually a report based upon the financial report specified at § 1.

**Art. 24.** The report specified at article 23 shall be sent within (one hundred and twenty days) from the closing of accounts to the Ministry of Finances and to the presidents of the Chamber of representatives and of the Senate (who shall make sure that the report is immediately published in the Parliamentary Documents). <L 1998-11-19/42, art. 11, Effective with: 11-12-1998> <L 2003-04-02/34, art. 14, 005; Effective with: 16-04-2003>

(Moreover, the presidents shall immediately remit a copy of the financial reports or of the Parliamentary Documents specified at paragraph 1, by registered mail, to the Audit Office from which they shall demand, according to article 1er, 4°, paragraph 3, within one month, a notice related to the accuracy and completeness of these reports.) <L 2003-04-02/34, art. 14, 005; Effective with: 16-04-2003> <L [2007-03-23/31](#), art. 16, 009; Effective with: 28-03-2007>

(The Commission of control formulates its findings and approves the financial report (within ninety days after the term specified at paragraph 1), especially based upon the opinion provided by the Audit Office, as far as no irregularities are found out. The opinion of the Audit Office is attached to the report of the Commission of control.) (In case there is any judicial inquiry in progress, initiated upon Public Ministry's request and directly linked to the party's financing, the approval is provided as qualified acceptance.) <L 1998-11-19/42, art. 11, Effective with: 11-12-1998> <L 2003-04-02/34, art. 14, 005; Effective

with: 16-04-2003> <L [2008-01-18/30](#), art. 5, 010; Effective with: 23-01-2008>

The procedure as well the control and auditing methods of the interested parties are set forth based upon the internal by-laws of the Commission of control. This regulation is published in the Belgian Official Gazette.

The summary of the financial report, the findings as well as the approval document shall be urgently transmitted by the presidents of the Chamber of representatives and of the Senate to the Ministry of Finances and to Belgian Official Gazette services, that shall commit to publish them in the annexes of the Belgian Official Gazette within thirty days from their receipt.

**[Art. 25.](#)** Failure to approve the financial report by the Commission of control, as well as failure to submit or delayed submission of this report shall involve:

1° loss of the subsidy to be granted to the institution specified at article 22 (during the subsequent period set forth by the Commission of control that shall not be inferior to one month, nor superior to four months) according to chapter III of this law;

2° (...)

(The qualified approval specified at article 24 involves preventive suspension of one twelfth of the annual subsidy.)

(amending references:

- L 1993-06-18/34, art. 12 et 14

- L 1998-11-19/42, art. 12, Effective with: 11-12-1998)

**[Art. 25bis.](#)** <introduced by L 1998-11-19/42, art. 13, Effective with: 11-12-1998>

The decisions specified at articles 24 and 25 shall be at any time subject to revision.

## **CHAPITRE V.** – Temporary provisions and final provisions.

**[Art. 26.](#)** (...) <L 1993-06-18/34, art. 15>

**[Art. 27.](#)** (...) <L 1993-06-18/34, art. 16>

**[Art. 28.](#)** The King is liable to observe the provisions set forth at chapter II and (article 22). <L 1994-05-19/62, art. 11>

**[Art. 29.](#)** This law becomes effective as of January 1<sup>st</sup>, 1989, except for article 27, entering into force starting with the taxation year 1991.

(Paragraph 2 abrogated.) <L [2007-03-23/31](#), art. 17, 009; Effective with: 28-03-2007>

**[Art. 30.](#)** (Abrogated) <L [2007-03-23/31](#), art. 18, 009; Effective with: 28-03-2007>

## **ANNEX.**

**[Art. N.](#)** <supplemented by L 1998-11-19/42, art. 14, Effective with: 11-12-1998>

The financial report specified at article 23 includes at least the following documents:

1. A document identifying the party and its components as defined at article 1, 1°, paragraph 2.

The identification data refer at least to the following: name, office, legal form, business scope and composition (name, domicile, profession) of the management and control bodies within each of the party's components.

2. Synthetic financial statements (balance sheet and profit and loss account) of each political party's component according to the definition mentioned at article 1, 1° paragraph 2. The accounts may be drawn up as a synoptic table providing at least the following data for each component:

- a) total assets, total provisions and debts and patrimony amount;
- b) work in progress and current expenses, current profit/loss before profit/loss for the period, profit/loss, extraordinary profit/loss, profit/loss for the period;
- c) number of employees on full-time job for whom expenses are incurred by the party's component.

3. The consolidated annual reports of the political party and its components including the consolidated balance sheet, consolidated profit and loss account, with explanatory notes on the consolidated balance sheet and consolidated profit and loss account according to the model set forth by the Commission of control regarding the election expenses and political party's accounting.

4. An auditor's report where the auditor:

- a) certifies that the consolidated accounts are drawn up according to the legal provisions.

This report represents a certification as per the generally accepted auditing standards drawn up by the Institute of Auditors;

- b) explains if the administrative and accounting organization of the party and its components allows drawing up the consolidated reports;
- c) analyses the data registered in the consolidated reports emphasizing all aspects that could prevent understanding the financial report and the profit and loss account as well as the comparability.