



Vienna, 11.04.2022

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the statute and funding of European political parties and European political foundations (recast)

Further considerations for transparency and
strengthening the framework on European political parties

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INTRODUCTION

On 25 November 2021, following the adoption by the European Parliament of an [implementation report](#) on *Regulation 1141/2014 on the statute and funding of European political parties and European political foundations*, the European Commission presented [its proposal](#) for a recast of this Regulation. On 22 March 2022, the Council adopted its [partial general approach](#) on the Commission's proposal.

Over the past three years, European Democracy Consulting has carried out [research and analysis work](#) on the reform of European political parties, including via a report for a Member of the European Parliament, [topical analyses](#) on European party funding and transparency, and a [detailed report](#) published by the OSCE Office for Democratic Institutions and Human Rights ([OSCE/ODIHR](#)) for the benefit of the European Commission and Parliament. European Democracy Consulting also published its [own assessment](#) of the European Commission's recast proposal.

Based on this extensive track record, and in line with its stated purpose to strengthen European democracy, European Democracy Consulting reviewed the Council's partial general approach and endeavoured to formulate additional legislative proposals for the Council's consideration. These proposals concern issues that we believe may have been overlooked in the Council's initial appraisal; they are in line with the Council's position and fall within the perimeter of the Commission's recast document.

Overall, European Democracy Consulting welcomes a number of changes to the Commission's proposal made by the Council's partial general approach. This includes restricting financial contributions to European political parties to their member parties having their seat within the European Union and reverting to a 10% co-financing rate for European political parties. Conversely, European Democracy Consulting regrets the Council's decision to prevent European parties from financing referendum campaigns, and, in light of [strong shortcomings in implementation](#), to remove from Article 4(1) the Commission's specific requirements on the display of European parties' logos on their member parties' websites.

With this report, however, European Democracy Consulting does not seek to challenge the Council's position, but instead to support its work in favour of increasing transparency on European parties and their activities, and of strengthening their regulation. Over the years, our work on European party transparency has allowed us to identify a number of shortcomings that may easily be remedied through targeted technical and administrative reforms. Likewise, limited adjustments can help strengthen the overall regulating framework on European parties. We therefore share these proposals with the Council in the hope that they will be recognised, for upcoming discussions and negotiations, as concrete measures able to increase transparency on, and the regulation of, European political parties for the benefit of European citizens.

The next part of this report will detail the proposed amendments one by one, indicating how they would improve the Regulation and fit within the perimeter of the recast document. The full text of the amended partial general approach is provided in Annex.

REFORM PROPOSALS

The following reform proposals are split in two broad categories: those aimed at *increasing the transparency* of European political parties, including their funding and activities, and those more generally aimed at *strengthening the legal framework* on European parties.

Given the European Commission's decision to use the recast method, European Democracy Consulting focuses its proposals on the areas falling within the perimeter of the Commission's document. Exceptionally, some amendments falling outside of this perimeter are proposed, as they are necessary "for pressing reasons relating to the internal logic of the text or because they are inextricably linked to other admissible amendments", as the recast method allows.

Additionally, the proposed amendments, by and large, do *not* challenge areas where the Council has made a decision. As a result, they do not contradict previous amendments proposed by the Council, although they may, on occasion, go beyond the Council's own recommendation.

Each amendment is accompanied by a detailed justification explaining its relevance and benefits.

Part I – Increasing transparency

Presentation of issues

The vast majority of European citizens remains unaware of European political parties, which directly hampers their ability to carry out their treaty-mandated role of "forming European political awareness and [expressing] the will of citizens of the Union" (Article 10(4) TEU).

This lack of popular awareness stems from a range of issues. On the one hand, European parties, through electoral success, do not control positions of political power, unlike how national political parties lead their candidates to their country's legislative and executive branches. On the other hand, European parties only have a limited incentive to reach out to citizens for votes or funding, and, in many cases, are even prevented from operating at the national and local levels.

Beyond these elements, however, the mere absence of clear, publicly visible, and easily understandable information concerning European political parties is a major obstacle in their discovery by European citizens – either directly or through the news media. With European parties in a position of relative obscurity, it is all the more important for information about them to be not only available, but truly accessible.

Important steps in the right direction were made by the European Commission in its proposal. Firstly, the Commission included, in Article 36, the requirement for information on European political parties to be provided "in an open, machine readable format". This inclusion followed a recommendation by the European Ombudsman in its [January 2021 decision](#), in a case lodged by European Democracy Consulting against the Authority for European Political Parties and European Political Foundations (APPF, hereafter "the Authority", as it is referred in Regulation 1141/2014).

Another important step was a clarification of the modalities for the display by national parties, on their website, of the logo of their European party of affiliation. This clarification stemmed, in part, from European Democracy Consulting's [logos project](#), which assessed the implementation of the visibility requirement and found that national parties have, by and large, failed to properly display these logos, while the European Parliament has been delinquent in its enforcement role.

The Authority itself also made slight improvements to its own website following the decision of the European Ombudsman, but much more can and should be done. Overall, interactions with the Authority – including during the Ombudsman's investigation – have highlighted its continued choice to interpret the transparency provisions of its mandate in a damagingly narrow sense, with limited concern for the accessibility and understandability of the information published, so long as it was published.

It is therefore imperative to clarify certain provisions and, in some instances, expand the transparency mandate of the Authority, in order to ensure that transparency does not stop at the mere publication of information. Instead, this information must be published *in a timely manner* (with clear deadlines for the transmission of each document *to* the Authority, as well as for its publication *by* the Authority), and its content must be *accessible, clear, and understandable*.

Additionally, the European legislator expressed its intent, in Regulation 1141/2014, to see all information relating to European political parties available “on a website created for that purpose”. This is an essential condition for the proper visibility of information by citizens, from a user's perspective. In order to facilitate this, Regulation 1141/2014 already provided, in Article 28 (now 32), for the proper cooperation and exchange of information between the Authority and the Authorising Officer of the European Parliament – each responsible for different aspects of the funding and regulation of European parties.

In practice, however, relevant information was scattered between the Authority's website and a sub-website of the European Parliament, and important information was lost to citizens as a result, both in terms of visibility and of actual presence online. It is therefore essential to finally clarify this provision and ensure that citizens' need for easily accessible information is prioritised over diverging reporting lines and administrative divisions.

Recommendations for reform

Article 7 – Authority for European political parties and European political foundations Paragraph 1

*Text proposed by the Commission and
reviewed by the Council*

An Authority for European political parties and European political foundations (the 'Authority') is hereby established for the purpose of

EDC proposal

An Authority for European political parties and European political foundations (the 'Authority') is hereby established for the purpose of

registering, controlling and imposing sanctions on European political parties and European political foundations in accordance with this Regulation.

registering, controlling and imposing sanctions on European political parties and European political foundations in accordance with this Regulation. **The Authority shall also have a mission of public information on European political parties.**

Article 7 – Authority for European political parties and European political foundations Paragraph 2 – subparagraph 1

Text proposed by the Commission and reviewed by the Council

The Authority shall decide on the registration and de-registration of European political parties and European political foundations in accordance with the procedures and conditions laid down in this Regulation. In addition, the Authority shall regularly verify that the registration conditions laid down in Article 3 and the governance provisions set out in accordance with ~~points (a), (b) and (d) to (f) of Article 4(1), points (a), (b), (d), (e) and (f), and in points (a) to (e) and (g) of Article 65(1), points (a) to (e), and (g),~~ continue to be complied with by the registered European political parties and European political foundations.

EDC proposal

The Authority shall decide on the registration and de-registration of European political parties and European political foundations in accordance with the procedures and conditions laid down in this Regulation. ~~In addition,~~ **The Authority shall regularly verify that the registration conditions laid down in Article 3 and the governance provisions set out in accordance with ~~points (a), (b) and (d) to (f) of Article 4(1), points (a), (b), (d), (e) and (f), and in points (a) to (e) and (g) of Article 65(1), points (a) to (e), and (g),~~ continue to be complied with by the registered European political parties and European political foundations. **In addition, the Authority shall seek to provide European citizens with up-to-date, clear, easily accessible, and user-friendly data and information on****

European political parties.

Justification. The current text does not give the Authority any role with regards to the information of European citizens. As a result, we have noted the Authority’s lack of efforts to go beyond the mere publication of information (its sole outward-facing requirement), and the clear and detrimental lack of visibility and accessibility of the information it publishes. We therefore propose to explicitly endow the Authority with a role of public information, whereby the provision of contextual and visual information for the benefit of European citizens’ understanding of European parties will clearly be part of its mandate. This would include relevant data and graphs, including on the result of European elections, in a similar manner as the European Parliament [already does for its parliamentary groups](#).

Perimeter. This amendment relates directly to the Commission’s stated goal to “bring greater public transparency” and to “close loopholes in the transparency regime”.

Article 7 – Authority for European political parties and European political foundations Paragraph 10

*Text proposed by the Commission and
reviewed by the Council*

The Director shall submit annually a report to the European Parliament, the Council and the Commission on the activities of the Authority. ⇒ The Authority shall make the reports public on its website. ⇐

EDC proposal

The Director shall submit annually a report to the European Parliament, the Council and the Commission on the activities of the Authority. ⇒ The Authority shall make the reports public on its website **within five working days of their submission**. ⇐

Justification. The current text requires the Authority to make its annual report public, but does not provide for a deadline. Since the report is finalised ahead of its submission, it can easily be made public shortly afterwards. We therefore propose a deadline of one week (five working days¹) following the report’s submission.

Perimeter. This amendment modifies one of the Commission’s amendments.

¹ With regards to deadlines, short durations (up to a month) are given in working days, in order to ensure that official holidays do not unduly shorten the indicated timeframe; deadlines of one month and above are given in calendar durations.

Article 10 – Examination of the application and decision of the Authority

Paragraph 5

Text proposed by the Commission and reviewed by the Council

Any amendments to the documents or statutes submitted as part of the application for registration in accordance with Article 98(2) shall be notified to the Authority, which shall update the registration in accordance with the procedures set out in Article 1815(2) and (4), mutatis mutandis.

EDC proposal

Any amendments to the documents or statutes submitted as part of the application for registration in accordance with Article 98(2) shall be notified **within ten working days** to the Authority, which shall update the registration in accordance with the procedures set out in Article 1815(2) and (4), mutatis mutandis.

Justification. The current text requires European political parties to submit to the Authority changes made to their statutes or to other documents relating to their registration, but does not provide for a deadline. We therefore propose a deadline for two weeks (10 working days) following the approval of these changes.

Perimeter. This amendment relates directly to the Commission’s stated goal to “bring greater public transparency” and to “close loopholes in the transparency regime”.

Article 10 – Examination of the application and decision of the Authority

Paragraph 6

Text proposed by the Commission and reviewed by the Council

The updated list of member parties of a European political party, annexed to the party statutes in accordance with Article 4(2), shall be sent to the Authority each year. Any changes following which the European political party might no longer satisfy the condition laid down in point (b) of Article 3(1), shall be

EDC proposal

The updated list of member parties of a European political party, annexed to the party statutes in accordance with Article 4(2), shall be sent to the Authority ~~each year~~ **within ten working days of any changes made**. Any changes following which the European political party might no longer satisfy the condition

communicated to the Authority within four weeks of any such change.

laid down in ~~point (b)~~ of Article 3(1), point (b), shall be communicated to the Authority within ~~four weeks~~ **five working days** of any such change.

Justification. The current text requires European parties to send their updated list of member parties to the Authority on a yearly basis. There does not seem to be a valid reason for which this information should only be shared on an annual basis, while other information on European parties is required to be shared soon after being amended. This is especially true since changes to European parties' list of member parties rarely happen. We therefore propose a reasonable deadline of two weeks (ten working days), in line with the requirement concerning other documents. For changes following which a European political party might no longer satisfy the conditions of Article 3(1), we propose an expedited deadline of one week (5 working days).

Perimeter. This amendment relates directly to the Commission's stated goal to "bring greater public transparency" and to "close loopholes in the transparency regime".

Article 23 – Donations, and contributions and own resources

Paragraph 2 – introductory part

Text proposed by the Commission and reviewed by the Council

European political parties and European political foundations shall, at the time of the submission of their annual financial statements in accordance with Article ~~2623~~, also transmit a list of all donors with their corresponding donations, indicating both the nature and the value of the individual donations. This paragraph shall also apply to contributions made by member parties of European political parties and member organisations of European political foundations.

EDC proposal

European political parties and European political foundations shall, ~~at the time of the submission of their annual financial statements in accordance with Article 2623~~ **within one month of the end of the financial year**, ~~also~~ transmit a list of all donors with their corresponding donations, indicating both the nature and the value of the individual donations. This paragraph shall also apply to contributions made by member parties **and individual members** of European political parties and member organisations of European political foundations.

Justification. The current text requires European political parties to submit information on donations and contributions to the Authority alongside its annual financial statements. According to Article 26(1), these documents must be submitted “at the latest within six months following the end of the financial year”. However, unlike financial statements, which require careful financial and accounting analysis, information on donations and contributions is, by and large, merely a list of information on funding received. Therefore, not only does there not seem to be a valid reason for waiting six months for this information to be shared with the Authority, but providing it to the Authority ahead of the financial statements would allow the Authority to review this information before focusing on audits and financial statements. If necessary, a disclaimer could indicate that this information may be reviewed and updated following the submission of audits and annual financial statements. Additionally, the Authority should be strongly encouraged, and provided with the means, to develop an electronic reporting system for donations and contributions in order to ease and streamline European parties’ reporting process, and to facilitate the subsequent publication of this information by the Authority.

The last sentence of the current text refers to “contributions made by member parties” and therefore fails to ensure that contributions made by *individual members* are also properly shared with the Authority. In order to ensure the proper transparency of all financial flows received by European parties, we propose to explicitly mention that the paragraph also applies to contributions received from individual members.

Perimeter. This amendment relates directly to the Commission’s stated goal to “bring greater public transparency” and to “close loopholes in the transparency regime”.

Article 23 – Donations, and contributions and own resources

Paragraph 2 – subparagraph 1

Text proposed by the Commission and reviewed by the Council

For donations from natural persons the value of which exceeds EUR 1500 ~~☞~~ per year and per donor ~~☞~~ and is below or equal to EUR 3000, the European political party or European political foundation concerned shall indicate whether the corresponding donors have given their prior written consent to publication in accordance with point (e) of Article 3632(1), point (e).

EDC proposal

~~For donations from natural persons the value of which exceeds EUR 1500 ~~☞~~ per year and per donor ~~☞~~ and is below or equal to EUR 3000, the European political party or European political foundation concerned shall indicate whether the corresponding donors have given their prior written consent to publication in accordance with point (e) of Article 3632(1), point (e).~~

Justification. With regards to donations from natural persons, the current text of Regulation 1141/2014

requires the reporting by European parties of all donations received, and the publication by the Authority of yearly donations above €3,000 and yearly donations between €1,500 and €3,000 for which the donor has given their written consent. Donations under €1,500 and donations between €1,500 and €3,000 for which the donor has not given their written consent are published together anonymously as “minor donations”. In practice, [the study of donations](#) shows that minor donations and donations from natural persons above €3,000 are indeed reported; however, no donations from natural persons between €1,500 and €3,000 are separately reported. Although this is impossible to formally prove as an external researcher, there is a strong suspicion that no donors have given their written consent for the publication of information on their donation (as it is highly unlikely that natural persons would have specifically made donations under €1,500 and above €3,000, but never between those two values). We therefore propose to remove the need for written consent (modification proposed above) and to lower the threshold for the reporting of separate donations (see modification proposed for Article 36(1)(e)).

Perimeter. This amendment is inextricably linked to other admissible amendments regarding the transparency of donations.

Article 23 – Donations, and contributions and own resources

Paragraph 5 – introductory part

Text proposed by the Commission and reviewed by the Council

EDC proposal

For all donations the value of which exceeds EUR 1500 per year and per donor, European political parties and European political foundations shall request donors to provide the necessary information for their proper identification. European political parties and European political foundations shall transmit the information received to the Authority upon its request.

For all donations the **cumulated annual** value of which exceeds EUR 1500 **per year and per from the same** donor, European political parties and European political foundations shall request donors to provide the necessary information for their proper identification. European political parties and European political foundations shall transmit the information received to the Authority **upon its request alongside information on the donations.**

Justification. The modification of the first sentence simply aims at clarifying the provision. With regards to the second sentence, the current text introduces an obligation on European political parties to carry out due diligence measures for yearly donations above €1,500; this information is to be provided to the Authority upon its request. From a transactional perspective, it does not seem reasonable to impose an additional burden on European parties (by asking them to carry out due diligence measures) if the outcome of this effort is, most of the time, not going to be used. We therefore propose to request that the

information deriving from due diligence measures be always provided to the Authority alongside information on donations.

Perimeter. This amendment modifies one of the Commission’s amendments.

Article 26 – Accounts, reporting and audit obligations

Paragraph 1 – introductory part

Text proposed by the Commission and reviewed by the Council

At the latest within six months following the end of the financial year, European political parties and European political foundations shall submit to the Authority, with a copy to the Authorising Officer of the European Parliament and to the competent National Contact Point of the Member State of their seat:

- (a) their annual financial statements [...]
- (b) an external audit report [...]
- (c) the list of donors and contributors and their corresponding donations or contributions reported in accordance with Article ~~2320~~(2), (3) and (4).

EDC proposal

At the latest within ~~six~~ **three** months following the end of the financial year, European political parties and European political foundations shall submit to the Authority, with a copy to the Authorising Officer of the European Parliament and to the competent National Contact Point of the Member State of their seat:

- (a) their annual financial statements [...]
- (b) an external audit report [...]
- (e) ~~the list of donors and contributors and their corresponding donations or contributions reported in accordance with Article ~~2320~~(2), (3) and (4).~~

Justification. The current text requires European political parties to submit their annual financial statements, external audit, and list of donors and contributors within six months of the end of the financial year. We have already proposed a differentiated reporting deadline for the list of donors and contributors (see modification proposed for Article 23(2)). Additionally, many large corporations and national political parties are required to submit their annual financial statements and audit reports within much shorter deadlines, from 45 to around 120 days. Given the size of European political parties and the limited complexity of their accounting, we propose a shortened deadline of three months for the reporting of annual financial statements and audit reports to the Authority.

Perimeter. The first part of this amendment relates directly to the Commission’s stated goal to “bring greater public transparency” and to “close loopholes in the transparency regime”. The second part is necessary for pressing reasons relating to the internal logic of the text.

Article 26 – Accounts, reporting and audit obligations
Paragraph 1 – point a

Text proposed by the Commission and reviewed by the Council

their annual financial statements and accompanying notes, covering their revenue and expenditure, assets and liabilities at the beginning and at the end of the financial year, in accordance with the law applicable in the Member State in which they have their seat ~~and their annual financial statements on the basis of the international accounting standards defined in Article 2 of Regulation (EC) No 1606/2002 of the European Parliament and of the Council;~~

EDC proposal

their annual financial statements and accompanying notes, covering their revenue and expenditure, assets and liabilities at the beginning and at the end of the financial year, in accordance with the law applicable in the Member State in which they have their seat ~~and their annual financial statements on the basis of the international accounting standards defined in Article 2 of Regulation (EC) No 1606/2002 of the European Parliament and of the Council;~~ **the section on revenue shall detail and separate, for contributions from all types of members, those contributions that are mandatory and those that are voluntary;**

Justification. The current text requires European political parties to submit their annual financial statements in accordance with the law applicable in the Member State in which they have their seat. In order to avoid the use of two sets of accounting standards, the Commission removes the requirement for European parties to also provide their annual financial statements using the IFRS standards. While the Commission's proposal makes sense from the perspective of the burden imposed on European parties, it risks trading simplification for harmonisation, since not all European parties will be using the same standards, as they do not all have their seat in the same Member State. In order to palliate part of this outcome, and for the sake of transparency, European parties should be required to provide specific information on their income, including (but not limited to) those contributions from member parties and individual members that are mandatory and those that are not. A more thorough and appropriate reform would place all European parties, regardless of the Member State in which they have their seat, under a common European reporting standard tailored for non-profit organisations such as political parties. Additionally, the Authority should be strongly encouraged, and provided with the means, to develop an electronic filing system in order to ease and streamline European parties' reporting process, and to ensure the quality of the documents subsequently published by the Authority. This is by contrast to the very low

quality of the scanned PDF documents currently available.

Perimeter. This amendment modifies one of the Commission’s amendments.

Article 36 – Transparency

Paragraph 1 – introductory part

Text proposed by the Commission and reviewed by the Council

The European Parliament ~~shall make public~~, under the authority of its Authorising Officer or under that of the Authority, ☒ shall make public the following ☒ on a website created for that purpose, ⇨ in an open, machine readable format ⇐ ~~the following~~:

EDC proposal

The ~~European Parliament~~ **Authority** ~~shall make public~~, under ~~the its~~ authority ~~of its Authorising Officer~~ or under that of the **Authority** **Authorising Officer of the European Parliament**, ☒ shall make public the following ☒ on a **its own** website ~~created for that purpose~~, ⇨ in an open, machine readable format ⇐ ~~the following~~ **and, at the latest, one month after these documents or information are approved or made available to the Authority**:

Justification. The current text requires the European Parliament to make public, under the authority of its Authorising Officer or under that of the Authority, a number of documents or information on a website created for that purpose. As we have seen, the Commission’s proposal to require this information to be in open, machine readable format is a very important step forward. However, this is not sufficient to ensure the proper transparency of information. We therefore propose three main modifications. First of all, we propose the addition of a deadline of one month for all documents and information published under Article 36(1). This deadline would run from the moment the documents or information in question are approved (for instance, the table of the amounts paid to each European political party from the general budget of the European Union) or made available to the Authority (for instance, the annual financial statements or information on donors and contributors).

Secondly, we propose to explicitly indicate that all documents and information should be made public on the website of the Authority. As we have indicated, and despite its clear intent, the current text has not prevented the European Parliament and the Authority to publish documents and information on their respective websites, thereby defeating the goal of providing European citizens with a *single* repository of information on European parties. In line with Article 32, the Authority and the Authorising Officer of the

European Parliament are already required to cooperate and share all necessary information.

Finally, since the Authority already holds and publishes most of the information concerning European political parties, and since its website was created with the purpose of providing information on European parties and the Authority itself (while the European Parliament’s website has a much broader and parliamentary focus), we propose to make the Authority the main body responsible for the publication of this information, under its own authority or under that of the Authorising Officer of the European Parliament.

Perimeter. This amendment relates directly to the Commission’s stated goal to “bring greater public transparency” and to “close loopholes in the transparency regime”.

Article 36 – Transparency
Paragraph 1 – point b a (new)

*Text proposed by the Commission and
 reviewed by the Council*

EDC proposal

**(b a) the applications for funding from
 the general budget of the European
 Union filed by European political parties
 and European political foundations
 under Article 21;**

Justification. The current text does not require the Authority to make public the applications for European public funding it receives from European political parties and European political foundations. Since these documents contain useful information on European political parties (including the evidence that their national member parties display, on their website, the logo of their European party of affiliation) and that these documents are the justification for European parties and foundations to request European taxpayers’ money, it is only natural that they should be made public. We therefore propose the addition of point (b a) in Article 36(1), providing for the publication of these applications for funding; the publication of these documents would fall under the general deadline applicable to Article 36(1).

Perimeter. This amendment relates directly to the Commission’s stated goal to “bring greater public transparency” and to “close loopholes in the transparency regime”.

Article 36 – Transparency
Paragraph 1 – point e

Text proposed by the Commission and reviewed by the Council

the names of donors and their corresponding donations reported by European political parties and European political foundations in accordance with Article ~~2320~~(2), (3) and (4), with the exception of donations from natural persons the value of which does not exceed EUR 1500 per year and per donor, which shall be reported as 'minor donations'. Donations from natural persons the annual value of which exceeds EUR 1500 and is below or equal to EUR 3000 shall not be published without the corresponding donor's prior written consent to their publication. If no such prior consent has been given, such donations shall be reported as 'minor donations'. The total amount of minor donations and the number of donors per calendar year shall also be published;

EDC proposal

the names of donors and their corresponding **individual** donations reported by European political parties and European political foundations in accordance with Article ~~2320~~(2), (3) and (4), with the exception of donations from natural persons the **value yearly sum** of which does not exceed EUR ~~1500~~ **500** per year and per donor, which shall be reported as 'minor donations'. ~~Donations from natural persons the annual value of which exceeds EUR 1500 and is below or equal to EUR 3000 shall not be published without the corresponding donor's prior written consent to their publication. If no such prior consent has been given, such donations shall be reported as 'minor~~ **donations'**. The total amount of minor donations and the number of donors per calendar year shall also be published;

Justification. As indicated above, the current text requires the Authority to publish the names of donors whose yearly donations are above €3,000 and those between €1,500 and €3,000 for which the donor has provided their written consent, along with the value of the donations. We have already proposed to remove the requirement for consent to be provided (see modification proposed for Article 23(2)) and carry this proposal here.

Additionally, in order to increase the transparency of European parties' private funding, we propose to return to the threshold of [Regulation 2004/2003](#) (which set up the EU's system of public funding of European political parties, before its replacement with Regulation 1141/2014). Regulation 2004/2003 provided for a threshold of €500.

Finally, the phrasing is reviewed to clarify the fact that each individual donation should be published

separately, and not merely their yearly total.

Perimeter. This amendment is inextricably linked to other admissible amendments regarding the transparency of donations.

Article 36 – Transparency Paragraph 1 – point f

*Text proposed by the Commission and
reviewed by the Council*

the contributions referred to in Article ~~2320~~(97) and (108) and reported by European political parties and European political foundations in accordance with Article ~~2320~~(2), including the identity of the member parties or organisations which made those contributions;

EDC proposal

the **names of all contributors and their corresponding individual** contributions referred to in Article ~~2320~~(97) and (108) and reported by European political parties and European political foundations in accordance with Article ~~2320~~(2), **including the identity of the member parties or organisations which made those contributions with the exception of contributions from natural persons the yearly sum of which does not exceed EUR 500 per donor, which shall be reported as 'minor contributions'. The total amount of minor contributions and the number of contributors per calendar year shall also be published;**

Justification. While Article 23, referred to in this paragraph, requires European political parties to report to the Authority the identity of contributors, and the value of their contributions, for contributions made by *all* their members, the current text of Article 36(1)(f) only requires the Authority to make public contributions from member parties. As a result, the Authority does not publish information relating to contributions made by individual members, whether mandatory (such as membership fees) or voluntary. Additionally, the Authority has chosen to interpret the phrasing “the contributions” as only requiring the *sum total* of all contributions to be made public, instead of the value of each contribution made by member parties.

In order to address this loophole, we propose re-using the phrasing retained for donations in Article 36(1)(e), in order to ensure that each contribution, including contributions made by individual members,

are properly and separately made public. Out of consistency with the reporting of donations, we propose to make an exception for contributions from natural persons with a yearly sum not exceeding €500, which shall instead be reported as “minor contributions” along with their aggregate value and the number of related contributors.²

Perimeter. The first part of this amendment relates directly to the Commission’s stated goal to “bring greater public transparency” and to “close loopholes in the transparency regime”. The second part of this amendment is linked to other admissible amendments regarding the transparency of donations.

Article 36 – Transparency

Paragraph 1 – point g

*Text proposed by the Commission and
reviewed by the Council*

EDC proposal

in the 6-month period prior to the
elections to the European
Parliament, the weekly reports
received pursuant to Article 23(3);

in the 6-month period prior to the
elections to the European
Parliament, the weekly reports
received pursuant to Article 23(3)
within two working days of their
receipt;

Justification. The current text requires the Authority to publish the weekly reports it receives from European political parties listing donations (and expenditure funded from those donations) in the six months preceding elections to the European Parliament. However, while the provision does indicate “in the 6-month period”, it does not clearly establish that these reports must be published as they arrive, and not with a notable delay. Indeed, in the current phrasing, nothing prevents these reports from all being published together just before the date of the election. We therefore propose to remedy this shortcoming by adding a clear deadline for publication by the Authority.

Perimeter. This amendment modifies one of the Commission’s amendments.

² In addition to being consistent with the treatment of donations, the proposed threshold should be above the amount of regular membership fees and, therefore, prevent the identity of individual members from being published – unless they chose to provide additional financial contributions. Alternatively, although this does not fall within the perimeter of the recast, the distinction between donations and contributions could be reviewed, with the defining criteria being the voluntary nature of the financial contribution. In this sense, mandatory financial contributions (such as membership fees) would be dubbed “contributions”, while voluntary financial contributions (even from individual members) would be dubbed “donations”. This distinction would be more in line with transparency practices and better protect individual members’ personal data.

Article 36 – Transparency

Paragraph 1 – point I

Text proposed by the Commission and reviewed by the Council

an updated list of Members of the European Parliament who are members of a European political party;

EDC proposal

an updated **list table** of Members of the European Parliament who are members of a European political party, **including a yearly record of Members of the European Parliament’s past membership status**.

Justification. The current text requires the publication of a list of MEPs who are members of a European political party. However, unlike point (c) on the publication of the amounts of public funding paid to each European political party, no year-on-year records are kept and every update of the list erases the content of the previous year. We therefore propose to re-use the wording of point (c) and to request the publication of a table (in lieu of a list) that would keep a yearly record of MEPs’ party membership.

Perimeter. This amendment relates directly to the Commission’s stated goal to “bring greater public transparency” and to “close loopholes in the transparency regime”.

Article 36 – Transparency

Paragraph 2

Text proposed by the Commission and reviewed by the Council

The European Parliament shall make public the list of legal persons who are members of a European political party, as annexed to the party statutes in accordance with Article 4(2) and updated in accordance with Article 109(6), as well as the total number of individual members.

EDC proposal

The **European Parliament Authority** shall make public, **in an open, machine readable format, the list a table** of legal persons who are members of a European political party, as annexed to the party statutes in accordance with Article 4(2) and updated in accordance with Article 109(6), as well as **a table indicating** the total number of individual members **for each European political party, including a yearly record of these information and**

numbers.

Justification. The current text requires the publication of a list of legal persons who are members of a European political party, as well as a list of European parties' number of individual members. However, as for Article 36(1)(l) above, no year-on-year records are kept and every update of these lists erases the content of the previous year. We therefore propose to re-use the wording from point (c) and to request the publication of a table (in lieu of a list) that would keep a yearly record of European parties' member parties and number of individual members.

Additionally, since the Authority is the recipient of European parties' statutes and updated documents, we propose to make the Authority responsible for the publication of this information, which should be made public in an open, machine readable format, in line with the Commission's proposal for Article 36(1). Alternatively, this provision can be included as an additional point under Article 36(1).

Perimeter. Part of this amendment (on an open, machine readable format) is necessary for pressing reasons relating to the internal logic of the text. The rest of this amendment relates directly to the Commission's stated goal to "bring greater public transparency" and to "close loopholes in the transparency regime".

Article 44 – Transitional provision Paragraph 3 (new)

*Text proposed by the Commission and
reviewed by the Council*

EDC proposal

The requirement, in Article 36(1), for documents or information to be made public in an open, machine readable format shall apply retroactively to all documents and information previously made public by the Authority and by the European Parliament under Regulation 1141/2014 and Regulation 2004/2003. This information shall be made public within six months of the entry into force of this

Regulation.

Justification. In Article 36(1), the Commission’s proposal requires the Authority and European Parliament to ensure that the documents and information they make public are “in an open, machine readable format”. As we have seen, this is an important requirement. However, in order to provide European citizens with sufficient contextual historical information to properly understand the newly published information, it is equally essential that information already published in the framework of Regulation 1141/2014 and of its predecessor, Regulation 2004/2003, also be made public in an open, machine readable format. This is particularly important with regards to financial information. We therefore propose, as a transitional provision, to apply the requirement of Article 36(1) to all information already published by the European Parliament and the Authority under these two Regulations.

Perimeter. This amendment is necessary for pressing reasons relating to the internal logic of the text and relates directly to the Commission’s stated goal to “bring greater public transparency” and to “close loopholes in the transparency regime”.

Part II – Strengthening of legal framework

Presentation of issues

This second section aims at strengthening specific points of the legal framework on European political parties and is therefore more diverse than the first section on transparency. However, given the decision of the Commission to use the recast method, amendments are limited to the perimeter allowed by the Commission’s document. These proposals focus on areas not affected by the Council’s partial general approach.

In line with the Commission’s emphasis on the issue of funding, three out of four amendments relate to the funding of European political parties. The first proposal concerns the distribution of European public funding. While the current text of the Regulation apportions 90% of European public funding in relation to the number of MEPs “who are members of [a] European political party”, administrative services of the European Parliament have devised, in the calls for proposal for European public funding, distinct categories of “direct” and “indirect” membership. Using this new notion of “indirect membership”, MEPs are counted as “members”, despite not being *individual members of a European political party*, for merely being *individual members of a member party*. This notable difference, most likely aimed at simplifying procedures, has in practice removed the basic need for MEPs to be individual members of European political parties and, as a result, has contributed to the hollowing of European parties as European-level representative organisations with internal democratic procedures involving individual members. Additionally, the introduction of this so-called “indirect membership” [has, at times, created conflicts](#) between MEPs’ own membership of a European political party and the membership status of their national party. In practice, this has led national parties’ membership to supersede the individual membership of MEPs, depriving them of their right to freely choose their European party affiliation and to provide this European party with public funding deriving from their membership. We therefore propose

a clarification of this provision to ensure the full respect of MEPs' membership choices.

A second issue deals with the Commission's proposal to decrease European parties' co-financing rate down to 0% in election years, which the Council has opposed in its partial general approach. While based on the premise that election years are too important to see European parties' limited resources spent on fundraising, this proposal further alienates European parties from citizens, precisely when they should be reaching out to them the most. We therefore propose an alternative solution to support European parties for specific electoral expenses.

The third funding-related issue concerns the importance of contributions from European parties' member parties. In order to avoid the undue influence of certain private interests, the current text provides a ceiling for the total value of contributions from member parties. This is the flip side of the requirement on co-financing, which seeks to avoid an undue dependence on *public funding* – albeit with an obligation made less stringent over time. However, no provisions are made to avoid an undue reliance on *member parties*, at the expense of contributions and donations from natural persons. We therefore propose a ceiling for contributions from member parties.

Finally, the Commission sought to increase the flexibility of sanctions. However, in doing so, it removed the floor value of sanctions for non-quantifiable infringements. We therefore propose a correction of this amendment.

Overall, the proposed amendments are limited in scope, remain within the perimeter established by the Commission in its recast of Regulation 1141/2014, and provide concrete remedies to identified and detrimental shortcomings of the current text of the Regulation.

Recommendations for reform

Article 20 – Funding conditions Paragraph 3

Text proposed by the Commission and reviewed by the Council

For the purposes of determining eligibility for funding from the general budget of the European Union in accordance with paragraph 1 of this Article and ~~point (b) of~~ Article 3(1), point (b), and for the application of Article ~~2219~~(1), a member of the European Parliament shall be considered as a member of only one

EDC proposal

For the purposes of determining eligibility for funding from the general budget of the European Union in accordance with paragraph 1 of this Article and ~~point (b) of~~ Article 3(1), point (b), and for the application of Article ~~2219~~(1), a member of the European Parliament shall be considered as a member of only one

European political party, which shall, where relevant, be the one to which ~~⊗~~ their ~~⊗~~ his or her national or regional political party is affiliated on the final date for the submission of applications for funding.

~~European political party, which shall, where relevant, be the one to which ~~⊗~~ their ~~⊗~~ his or her national or regional political party is affiliated on the final date for the submission of applications for funding.~~

Only direct membership, whereby a Member of the European

Parliament is an individual member of a European political party, shall be taken into account.

Should a Member of the European Parliament be an individual member of more than one European political party, they shall notify the Authority of the European party for which they should be considered a member for the purposes of determining eligibility for funding from the general budget of the European Union.

Justification. The current text leaves a margin for interpretation concerning the prevalence of “indirect” membership (through a national or regional party) over “direct” membership, although these categories do not exist in the Regulation. An amendment by the co-rapporteurs in the European Parliament clarifies this provision, but places “indirect” membership squarely above “direct membership”, meaning that MEPs would not free to choose of their full affiliation to a European political party, and instead remain bound by the affiliation of their national political party. This seems to go against the meaning of Article 22(2) (“members of the European Parliament **who are members** of the applicant European political party”, with no definition or description of a so-called “indirect” membership) and probably also go against the intent of Article 12.1 of the Charter of Fundamental Rights of the European Union. Overall, the very least we should ask from European political parties, if they are to derive public money from their elected MEPs, is that these MEPs actually be individual members of these parties. We therefore propose to clarify the text of the Regulation in order to ensure MEPs’ full freedom to choose their European party

affiliation, including for the purposes of public funding.³

Alternatively, Article 22(2) could be amended to read “members of the European Parliament who are **individual** members of the applicant European political party”.

Perimeter. This amendment is necessary for pressing reasons relating to the internal logic of the text and relates to the Commission’s stated goal to “close the remaining loopholes regarding sources and transparency of financing”.

Article 20 – Funding conditions

Paragraph 4a (new)

*Text proposed by the Commission and
reviewed by the Council*

EDC proposal

4 a. Notwithstanding provisions in Article 20(4), an additional stream of funding from the general budget of the European Union shall be distributed equally among the beneficiary European political parties one year before European elections. European political parties may use this special funding to cover election-related reimbursable expenditure within the 12 months following its award. Amounts unused after that calendar year shall be recovered in accordance with Regulation (EU, Euratom) 2018/1046.

Justification. The current text proposes to lower European political parties’ co-financing requirement down to 0% in electoral years, the justification being that European parties should not waste precious time with fundraising ahead of elections. However, not only is European parties’ share of private funding already far lower than that of national political parties, but this proposal means that, precisely when European parties should reach out the most to European citizens, they would need their financial support

³ While Regulation 1141/2014 does not prevent MEPs from belonging to more than one European political party, this is in practice forbidden by European parties themselves. The last sentence of our amendment only serves to account for this possibility and to ensure that an MEP’s membership of more than one European political party would not lead to European public funding attributed to more than one European party.

the least. Additionally, since European elections take place in May while the financial year runs from January to December, bringing this co-financing rate down on a calendar year basis would further limit its usefulness, as the second half of the year provides ample time for private fundraising.

This being said, the underlying point of European parties needing to shoulder, in electoral years, extra expenses not covered by their regular budgeting is a valid observation and, especially for smaller political parties, electoral years often mean having to sacrifice needed activities or support staff. We therefore propose the creation of a special electoral financial allocation aimed at covering basic electoral expenses. This allocation would be disbursed one year ahead of European elections, and be usable for election-related reimbursable expenditure until the date of the election. Unlike regular party funding, since elections are the moment all parties should have an *equal* chance to present their political offer to citizens, this electoral allocation would be distributed equally to all European parties.

Perimeter. This amendment is inextricably linked to other admissible amendments, as it introduced an alternative to the Commission's proposed reduced co-financing rate.

Article 23 – Donations, and contributions and own resources Paragraph 9

Text proposed by the Commission and reviewed by the Council

1. Contributions ~~to~~ [...] ~~to~~ a European political party ~~from its~~ members ~~shall be permitted.~~ The ~~value of~~ [...] ~~such~~ contributions ~~shall not exceed~~ 40 % of the annual budget of [...] ~~that~~ European political party. [...]

EDC proposal

Contributions ~~to~~ [...] ~~to~~ a European political party ~~from its~~ members ~~shall be permitted.~~ The **total** [...] ~~value of~~ [...] ~~such~~ contributions ~~shall not exceed~~ 40 % of the annual budget of [...] ~~that~~ European political party. [...] **The total value of contributions from member parties shall not exceed two-thirds of the total sum of all donations and contributions; amounts received in excess shall be returned to member parties.**

Justification. The current text provides that the value of contributions received by European political parties from their members (member parties *and* individual members) shall not exceed 40% of parties' annual budget. Given European parties' high level of financial dependence on European public funding (whereby public funding accounts, in practice, for 85% to 90% of European parties' annual budget, and

private funding only for the remaining 10-15%), this threshold has never been reached. However, an extension of this provision can be used to incentivise European parties to reach out to citizens and raise private funding from them (either as contributions from individual members or as donations) by placing a ceiling on the share of member party contributions. We therefore propose that contributions from member parties be limited to two-thirds of European parties' total sum of donations and contributions, with contributions from individual members and donations representing, at least, the remaining third.

Perimeter. This amendment modifies one of the Commission's amendments.

Article 30 – Sanctions

Paragraph 4 – point a (introduction through subpoint iv)

Text proposed by the Commission and reviewed by the Council

For the purposes of paragraphs 2 and 3, the following financial sanctions shall be imposed on a European political party or a European political foundation:

- (a) in cases of non-quantifiable infringements, a fixed percentage of the annual budget of the European political party or European political foundation concerned ~~⊗~~ as follows ~~⊗~~:

- (i) ~~⇒ up to 5 %~~
 (ii) ~~⇒ from 5% to 10%~~ ~~7,5 %~~
 if there are concurrent infringements;
 (iii) ~~⇒ from 10% to 15 %~~ ~~20 %~~
 if the infringement in question is a repeated infringement;

↓ new

- (iv) from 15% to 20 % in the case of further repeated

EDC proposal

For the purposes of paragraphs 2 and 3, the following financial sanctions shall be imposed on a European political party or a European political foundation:

- (a) in cases of non-quantifiable infringements, a fixed percentage of the annual budget of the European political party or European political foundation concerned ~~⊗~~ as follows ~~⊗~~:

- (i) ~~⇒ up to 5 %~~ **from 5 % to 10 %**
 or
 (ii) ~~⇒ from 5 % to 10 %~~ **10 % to 15 %** ~~7,5 %~~ if there are concurrent infringements;
 (iii) ~~⇒ from 10 % to 15 %~~ **15 % to 20 %** ~~20 %~~ if the infringement in question is a repeated infringement;

↓ new

infringements;

(iv) from ~~15~~ 20 % to ~~20~~ 25 % in
the case of further repeated
infringements;

Justification. In its proposal, the Commission indicates that it wants to “modulate the sanctions” that the Authority can impose. However, in doing so, it systematically downgrades available sanctions, and even removes the floor percentage for non-quantifiable infringements (by replacing “5%” with “up to 5%”). While providing the Authority with more leeway and flexibility in its implementation of sanctions, decreasing the level of sanctions and removing the floor percentage are not required and undermine the sanctions regime. We therefore propose to retain the Commission’s proposal to introduce flexibility, but not at the expense of an effective deterrence.

Perimeter. This amendment modifies one of the Commission’s amendments.

ANNEX

ANNEX

↓ 1141/2014

2021/0375 (COD)

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**on the statute and funding of European political parties and European political foundations
(recast)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

[...]

↓ 1141/2014 (adapted)

⇒ new

⇒ Council

HAVE ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation lays down the conditions governing the statute and funding of political parties at European level ('European political parties') and political foundations at European level ('European political foundations').

Article 2

Definitions

For the purposes of this Regulation ~~(X)~~ , the following definitions apply ~~(X)~~ :

- (1) 'political party' means an association of citizens ~~(X)~~ which fulfils the following conditions ~~(X)~~:
 - (a) ~~which (X) it (X) pursues political objectives;~~ ~~and~~
 - (b) ~~which (X) it (X) is either recognised by, or established in accordance with, the legal order of at least one Member State;~~
- (2) 'political alliance' means structured cooperation ~~(X)~~ , irrespective of its form, ~~(X)~~ between ~~(X)~~ members, whether ~~(X)~~ political parties ~~(X)~~ established in accordance with the legal order of at least one Member State ~~(X)~~ ~~and/or citizens~~ ~~(X)~~ of the European Union ~~(X)~~ ;
- (3) 'European political party' means a political alliance which pursues political objectives ~~(X)~~ , aims to ~~(X)~~ pursue those objectives across the Union , ~~(X)~~ and is registered with the Authority for European political parties and foundations ~~(X)~~ established ~~(X)~~ referred to ~~(X)~~ in Article ~~7~~ 6 , in accordance with ~~the conditions and procedures laid down in~~ this Regulation;
- (4) 'European political foundation' means an entity which is formally affiliated with a European political party, which is registered with the Authority ~~(X)~~ for European political parties and foundations referred to in Article ~~7~~ ~~(X)~~ in accordance with ~~the conditions and procedures laid down in~~ this Regulation, and which through its activities, within the aims and fundamental values pursued by the Union, underpins and complements the objectives of the European political party by performing one or more of the following tasks:
 - (a) observing, analysing and contributing to the debate on European public policy issues and on the process of European integration;
 - (b) developing activities linked to European public policy issues, such as organising and supporting seminars, training, conferences and studies on such issues between relevant stakeholders, including youth organisations and other representatives of civil society, ~~(X)~~ and capacity building to support the formation of future political leadership in the Union ~~(X)~~ ;
 - (c) developing cooperation in order to promote democracy, including in third countries;
 - (d) serving as a framework for national political foundations, academics, and other relevant actors to work together at European level;

- (5) 'regional parliament' or 'regional assembly' means a body whose members either hold a regional electoral mandate or are politically accountable to an elected assembly;
- (6) 'funding from the general budget of the European Union' means a grant awarded in accordance with Title ~~VIII VI~~ of Part One or a contribution awarded in accordance with Title ~~VIII XI~~ of Part ~~Two One~~ of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council⁴ ~~Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council ('the Financial Regulation')~~;
- (7) 'donation' means any cash offering, any offering in kind, the provision below market value of any goods, services (including loans) or works, and ~~or~~ any other transaction which constitutes an economic advantage for the European political party or the European political foundation concerned, with the exception of contributions from members and ~~of~~ usual political activities carried out on a voluntary basis by individuals;
- (8) 'contribution from members' means any payment in cash, including membership fees, or any contribution in kind, or the provision below market value of any goods, services (including loans) or works, and ~~or~~ any other transaction which constitutes an economic advantage for the European political party or the European political foundation concerned, when provided to that European political party or to that European political foundation by one of its members, with the exception of usual political activities carried out on a voluntary basis by individual members;

↓ new

→ Council

- (9) ' ~~→ [...]~~ ~~→ [self-generated]~~ ~~→ resources~~ ' means income generated by own economic activities ~~→ in the framework of the political activities exercised by a European political party~~ ~~→ or its affiliated foundation~~ ~~→ →~~ , such as conference fees and sales of publications; ~~→ → provided that those~~ ~~→ [...]~~ ~~→ economic activities~~ ~~→ [...]~~ ~~→ do~~ ~~→ not pursue a profit goal~~ ~~→~~

- (10) ~~→ [...]~~ ~~→~~

⁴ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.07.2018, p.1).

↓ 1141/2014

(~~119~~) 'annual budget' for the purposes of Articles ~~2320~~ and ~~3027~~ means the total amount of expenditure in a given year as reported in the annual financial statements of the European political party or of the European political foundation concerned;

↓ 2018/673 Art. 1.3

(~~1240~~) 'National Contact Point' means any person or persons specifically designated by the relevant authorities in the Member States for the purpose of exchanging information in the application of this Regulation;

↓ 1141/2014

⇒ new

(~~1344~~) 'seat' means ⇒ , unless otherwise specified in this Regulation, ⇐ the location where the European political party or the European political foundation has its central administration;

(~~1443~~) 'concurrent infringements' means two or more infringements committed as part of the same unlawful act;

(~~1543~~) 'repeated infringement' means an infringement committed within five years of a sanction having been imposed on its perpetrator for the same type of infringement.;

↓ new

(16) ['political advertising' means advertising within the meaning of Article 2, point (2), of Regulation 2022/xx [on the transparency and targeting of political advertising];]

[(17) ['political advertisement' means advertisement within the meaning of Article 2, point (3) of Regulation 2022/xx [on the transparency and targeting of political advertising];]

[(18) ['political advertising services' means services within the meaning of Article 2 point (5) of Regulation (EU) 2022/xx [on the transparency and targeting of political advertising].]

↓ 1141/2014 (adapted)

→₁ 2018/673 Art. 1.4(a)

CHAPTER II

STATUTE FOR EUROPEAN POLITICAL PARTIES AND EUROPEAN POLITICAL FOUNDATIONS

Article 3

Conditions for registration

1. A political alliance ~~shall be entitled to~~ ☒ may ☒ apply to register as a European political party subject to the following conditions:
 - (a) it ~~must have~~ ☒ has ☒ its seat in a Member State as indicated in its statutes;
 - (b) ☒ at least one of the following applies: ☒
 - (i) →₁ its member parties ~~must be~~ ☒ are ☒ represented by, in at least one quarter of the Member States, members of the European Parliament, of national parliaments, of regional parliaments or of regional assemblies, ~~or~~ ←
 - (ii) it or its member parties ~~must~~ have received, in at least one quarter of the Member States, at least three per cent of the votes cast in each of those Member States at the most recent elections to the European Parliament;

↓ 2018/673 Art. 1.4(b)

(~~ca~~) its member parties are not members of another European political party;

↓ 1141/2014 (adapted)

⇒ new

⇒ Council

(~~de~~) it ~~must observe~~ ☒ observes ☒, in particular in its programme and in its activities, the values on which the Union is founded, as expressed in Article 2 TEU, namely respect for

human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities ⇒ ~~and~~ it provides ~~yearly~~ a written declaration using the template in Annex I ⇐;

↓ new

⇒ Council

(e) it also ~~confirms~~ [...] that its member parties [...] ~~also~~ observe the values expressed in Article 2 TEU [...] ~~and~~ [...] provides ~~yearly~~ a written declaration using the template in Annex I;

↓ 1141/2014 (adapted)

⇒ new

⇒ Council

(~~fe~~) it or its members ~~must~~ have participated in elections to the European Parliament, or have expressed publicly the intention to participate in the next elections to the European Parliament; ~~and~~

(~~ge~~) it ~~must~~ does not pursue profit goals.

2. An entity applicant shall be entitled to apply to register as a European political foundation subject to the following conditions:

(a) it ~~must be~~ is affiliated with a European political party registered in accordance with [the conditions and procedures laid down in] this Regulation;

(b) it ~~must have~~ has its seat in a Member State as indicated in its statutes;

(c) it ~~must observe~~ observes , in particular in its programme and in its activities, the values on which the Union is founded, as expressed in Article 2 TEU, namely respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities ⇒ ~~and~~ [...] provides ~~yearly~~ a written declaration using the template in Annex I ⇐;

↓ new

↻ Council

(d) it also ~~↻ confirms ↻ ↻ [...]~~ that its member organisations ~~↻ [...]~~ observe the values expressed in Article 2 TEU ~~↻ [...]~~ . ~~↻ and ↻ ↻ [...]~~ provides ~~↻ yearly ↻~~ a written declaration using the template in Annex I;

↓ 1141/2014 (adapted)

- (~~ce~~) its objectives ~~must~~ complement the objectives of the European political party with which it is formally affiliated;
- (~~fe~~) its governing body ~~must be~~ is composed of members from at least one quarter of the Member States; ~~and~~
- (~~gf~~) it ~~must~~ does not pursue profit goals.

3. A European political party ~~can~~ may have only one formally affiliated European political foundation. Each European political party and the affiliated European political foundation shall ensure a separation between their respective day-to-day management, governing structures and financial accounts.

Article 4

Governance of European political parties

1. The statutes of a European political party shall comply with the applicable law of the Member State in which it has its seat and shall include provisions covering at least the following:
 - (a) its name and logo, which ~~must~~ shall be clearly distinguishable from those of any existing European political party or European political foundation;
 - (b) the address of its seat;
 - (c) a political programme setting out its purpose and objectives;
 - (d) a statement, in conformity with ~~point (e) of~~ Article 3(1), point (g), that it does not pursue profit goals;
 - (e) where relevant, the name of its affiliated political foundation and a description of the formal relationship between them;

- (f) its administrative and financial organisation and procedures, specifying in particular the bodies and offices holding the powers of administrative, financial and legal representation and the rules on the establishment, approval and verification of annual accounts; ~~and~~
- (g) the internal procedure to be followed in the event of its voluntary dissolution as a European political party~~s~~;

↓ new

↻ Council

- (h) [its internal rules governing the use of political advertising:]
- (i) a requirement that member parties display ↻ on their websites ⦿ the European political party's logo in a clearly visible and user-friendly manner ↻ [...] ⦿ ;
- (j) its internal rules regarding gender balance.

↓ 1141/2014 (adapted)

2. The statutes of a European political party shall include provisions on internal party organisation covering at least the following:
 - (a) the modalities for the admission, resignation and exclusion of its members, the list of its member parties being annexed to the statutes;
 - (b) the rights and duties associated with all types of membership and the relevant voting rights;
 - (c) the powers, responsibilities and composition of its governing bodies, specifying for each the criteria for the selection of candidates and the modalities for their appointment and dismissal;
 - (d) its internal decision-making processes, in particular the voting procedures and quorum requirements;
 - (e) its approach to transparency, in particular in relation to bookkeeping, accounts and donations, privacy and the protection of personal data; ~~and~~
 - (f) the internal procedure for amending its statutes.
3. The Member State of the seat may impose additional requirements for the statutes, provided ☒ that ☒ those additional requirements are not inconsistent with this Regulation.

↓ new

[Article 5

Transparency requirements for political advertising

1. European political parties shall ensure that the providers of political advertising services which they use when engaging in political advertising fully comply with their obligations pursuant to Articles 7 and 12 of Regulation 2022/xx [on the transparency and targeting of political advertising]. To that end, European political parties shall ensure that contracts concluded with providers of political advertising services for their advertising campaigns include an express reference to those obligations.
2. Each European political party shall transmit within five working days of the first dissemination to the Authority information concerning each political advertisement that it sponsors or publishes directly to enable the wider context of the political advertisement and its aims to be understood by citizens. That information shall include at least the information listed in point 1 of Annex II.
3. The Authority shall immediately publish the information referred to in paragraph 2 in the repository provided for in Article 8. The information shall be presented in a form which is easily accessible, clearly visible and user friendly, and using plain language.
4. Each European political party shall establish a policy for the use of political advertising. It shall ensure that that policy is kept up-to-date and that an annual report on its implementation is available on its website. The report shall cover the political advertisements published during the five preceding years and include a description of the specific steps the European political party takes to comply with this Article and the information listed in point 2 of Annex II.
5. When using targeting or amplification techniques involving the processing of personal data for political advertising, European Political Parties shall ensure compliance with Article 12 of Regulation (EU) 2022/XX [on the transparency and targeting of political advertising].
6. Member States shall designate one or more national regulatory authorities competent to supervise compliance with paragraphs 1, 2 and 4 and notify the Authority thereof. Such national regulatory authorities or bodies shall exercise their powers impartially and transparently and be legally distinct from the government and functionally independent of their respective governments and of any other public or private body. The Authority shall publish on its website and keep updated a

list of Member States' national regulatory authorities. Decisions of national regulatory authorities shall be subject to effective legal remedies. Member States shall ensure that upon request of any interested party appropriate redress can be sought requiring the European Political Party to put an end to any violation of the obligations laid down in paragraphs 1, 2 or 4.

7. The supervisory authorities referred to in Article 51 of Regulation (EU) 2016/679 shall be competent to supervise the application of paragraph 5 of this Article. Article 58 of Regulation (EU) 2016/679 shall apply mutatis mutandis. Chapter 7 of Regulation (EU) 2016/679 shall apply for activities covered by paragraph 5 of this Article.
8. The Commission is empowered to adopt delegated acts in accordance with Article 40 concerning the amendment of Annex II to add or remove elements from the list of information to be provided pursuant to paragraphs 2 and 4 of this Article in the light of technological developments. ¹

↓ 1141/2014 (adapted)

Article ~~65~~

Governance of European political foundations

1. The statutes of a European political foundation shall comply with the applicable law of the Member State in which it has its seat and shall include provisions covering at least the following:
 - (a) its name and logo, which ~~must~~ shall be clearly distinguishable from those of any existing European political party or European political foundation;
 - (b) the address of its seat;
 - (c) a description of its purpose and objectives, which ~~must~~ shall be compatible with the tasks listed in ~~point (4) of~~ Article 2, point (5);
 - (d) a statement, in conformity with ~~point (f) of~~ Article 3(2), point (g), that it does not pursue profit goals;
 - (e) the name of the European political party with which it is directly affiliated, and a description of the formal relationship between them;
 - (f) a list of its bodies, specifying for each its powers, responsibilities and composition, and including the modalities for the appointment and dismissal of the members and managers of such bodies;

- (g) its administrative and financial organisation and procedures, specifying in particular the bodies and offices holding the powers of administrative, financial and legal representation and the rules on the establishment, approval and verification of annual accounts;
 - (h) the internal procedure for amending its statutes; ~~and~~
 - (i) the internal procedure to be followed in the event of its voluntary dissolution as a European political foundation.
2. The Member State of the seat may impose additional requirements for the statutes, provided ☒ that ☒ those additional requirements are not inconsistent with this Regulation.

Article ~~76~~

Authority for European political parties and European political foundations

1. An Authority for European political parties and European political foundations (~~the~~ 'Authority') is ~~hereby~~ established for the purpose of registering, controlling and imposing sanctions on European political parties and European political foundations in accordance with this Regulation. **The Authority shall also have a mission of public information on European political parties.**
2. The Authority shall have legal personality. It shall be independent and shall exercise its functions in full compliance with this Regulation.

The Authority shall decide on the registration and de-registration of European political parties and European political foundations in accordance with the procedures and conditions laid down in this Regulation. ~~In addition,~~ **The Authority shall regularly verify that the registration conditions laid down in Article 3 and the governance provisions set out in accordance with ~~points (a), (b) and (d) to (f) of Article 4(1), points (a), (b), (d), (e) and (f), and in points (a) to (e) and (g) of Article 65(1), points (a) to (e), and (g),~~ continue to be complied with by the registered European political parties and European political foundations. **In addition, the Authority shall seek to provide European citizens with up-to-date, clear, easily accessible, and user-friendly data and information on European political parties.****

In its decisions, the Authority shall give full consideration to the fundamental right of freedom of association and to the need to ensure pluralism of political parties in Europe.

The Authority shall be represented by its Director who shall take all decisions of the Authority on its behalf.

3. The Director of the Authority shall be appointed for a five-year non-renewable term by the European Parliament, the Council and the Commission (jointly referred to as the 'appointing authority') by common accord, on the basis of proposals made by a selection committee composed of the Secretaries-General of those institutions following an open call for candidates.

The Director of the Authority shall be selected on the basis of ~~his or her~~ their personal and professional qualities. They ~~He or she~~ shall not be a member of the European Parliament, hold any electoral mandate or be a current or former employee of a European political party or a European political foundation. The Director selected shall not have a conflict of interests between their ~~his or her~~ duty as Director of the Authority and any other official duties, in particular in relation to the application of the provisions of this Regulation.

A vacancy caused by resignation, retirement, dismissal or death shall be filled in accordance with the same procedure.

In the event of a normal replacement or voluntary resignation the Director shall continue their ~~his or her~~ functions until a replacement has taken up their ~~his or her~~ duties.

If the Director of the Authority no longer fulfils the conditions required for the performance of their ~~his or her~~ duties, they ~~he or she~~ may be dismissed by common accord by at least two of the three institutions referred to in the first subparagraph and on the basis of a report drawn up by the selection committee referred to in the first subparagraph on its own initiative or following a request from any of the three institutions.

The Director of the Authority shall be independent in the performance of their ~~his or her~~ duties. When acting on behalf of the Authority, the Director shall neither seek nor take instructions from any institution or government or from any other body, office or agency. The Director of the Authority shall refrain from any act which is incompatible with the nature of their ~~his or her~~ duties.

The European Parliament, the Council and the Commission shall exercise jointly, with regard to the Director, the powers conferred on the appointing authority by the Staff Regulations of Officials (and the Conditions of Employment of Other Servants of the Union) laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68⁵. Without prejudice to decisions on

⁵ Council Regulation (EEC, Euratom, ECSC) No 259/68 of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (OJ L 56, 4.3.1968, p. 1).

appointment and dismissal, the three institutions may agree to entrust the exercise of some or all of the remaining powers conferred on the appointing authority to any one of them.

The appointing authority may assign the Director to other tasks provided that such tasks are not incompatible with the workload resulting from their ~~his or her~~ duties as Director of the Authority and are not liable to create any conflict of interests or to jeopardise the full independence of the Director.

4. The Authority shall be physically located in the European Parliament, which shall provide the Authority with the necessary offices and administrative support facilities.

↓ 2019/493 Art. 1.1 (adapted)

5. The Director of the Authority shall be assisted by staff in respect of whom they ~~he or she~~ shall exercise the powers conferred on the appointing authority by the Staff Regulations of Officials of the European Union and the powers conferred on the authority empowered to conclude contracts of employment of other servants by the Conditions of Employment of Other Servants of the Union, laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68 ('the appointing authority's powers'). The Authority may make use in any areas of its work of ~~other~~ seconded national experts or of other staff not employed by the Authority.

The Staff Regulations and the Conditions of Employment of Other Servants and the rules adopted by agreement between the institutions of the Union for giving effect to those Staff Regulations and Conditions of Employment of Other Servants shall apply to the staff of the Authority.

The selection of the staff shall not be liable to result in a conflict of interests between their duties at the Authority and any other official duties, and they shall refrain from any act which is incompatible with the nature of their duties.

↓ 1141/2014 (adapted)

→₁ 2018/673 Art. 1.5

⇒ new

⇒ Council

6. The Authority shall conclude agreements with the European Parliament and, if appropriate, with other institutions on any administrative arrangements necessary to enable it to carry out its tasks,

in particular agreements regarding the staff, services and support provided pursuant to paragraphs 4, 5 and 8.

7. The appropriations for the expenditure of the Authority shall be provided under a separate Title in the Section for the European Parliament in the general budget of the European Union. The appropriations shall be sufficient to ensure the full and independent operation of the Authority. A draft budgetary plan for the Authority shall be submitted to the European Parliament by the Director, and shall be made public. The European Parliament shall delegate the duties of Authorising Officer with respect to those appropriations to the Director of the Authority.

8. Council Regulation No 1⁶ shall apply to the Authority.

The translation services required for the functioning of the Authority and the Register shall be provided by the Translation Centre for the Bodies of the European Union.

9. The Authority and the Authorising Officer of the European Parliament shall share all information necessary for the execution of their respective responsibilities under this Regulation.

10. The Director shall submit annually a report to the European Parliament, the Council and the Commission on the activities of the Authority. ⇒ The Authority shall make the reports public on its website **within five working days of their submission**. ⇐

11. The Court of Justice of the European Union shall review the legality of the decisions of the Authority in accordance with Article 263 TFEU and shall have jurisdiction in disputes relating to compensation for damage caused by the Authority in accordance with Articles 268 and 340 TFEU. Should the Authority fail to take a decision where it is required to do so by this Regulation, proceedings for failure to act may be brought before the Court of Justice of the European Union in accordance with Article 265 TFEU.

Article ~~87~~

Register of European political parties and foundations

1. The Authority shall establish and manage a Register of European political parties and European political foundations. ⇒ [The register shall include a repository for the information to be provided by European political parties pursuant to Article 5(2).] ⇐ Information from the Register shall be available online in accordance with Article ~~3632~~.

⁶ Council Regulation No 1 of 15 April 1958 determining the languages to be used by the European Economic Community (OJ 17, 6.10.1958, p. 385/58).

2. In order to ensure the proper functioning of the Register, the Commission ~~shall be~~ is empowered to adopt delegated acts in accordance with Article ~~40~~³⁶ and within the scope of the relevant provisions of this Regulation concerning:
- (a) the information and supporting documents held by the Authority for which the Register is to be the competent repository, which shall include the statutes of a European political party or European political foundation, any other documents submitted as part of an application for registration in accordance with Article ~~9~~⁸(2), any documents received from the Member State of the seat as referred to in Article ~~18~~¹⁵(2), and information on the identity of the persons who are members of bodies or hold offices that are vested with powers of administrative, financial and legal representation, as referred to in ~~point (f) of Article 4(1), point (f), and point (g) of Article 6~~⁵(1), point (f), and point (g) of Article 6(1), point (g);
 - (b) materials from the Register as referred to in point (a) of this paragraph for which the Register is to be competent to certify legality as established by the Authority pursuant to its competences under this Regulation. The Authority shall not be competent to verify compliance by a European political party or European political foundation with any obligation or requirement imposed on the party or foundation in question by the Member State of the seat pursuant to Articles 4 and 6⁵ and Article ~~17~~¹⁴(2) which is additional to the obligations and requirements laid down by this Regulation.
3. The Commission shall by implementing acts specify the details of the registration number system to be applied for the Register and standard extracts from the Register to be made available to third parties upon request, including the content of letters and documents. Such extracts shall not include personal data other than the identity of the persons who are members of bodies or hold offices that are vested with powers of administrative, financial and legal representation, as referred to in ~~point (f) of Article 4(1), point (f), and point (g) of Article 6~~⁵(1), point (f), and point (g) of Article 6(1), point (g). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article ~~41~~³⁷.

Article ~~9~~⁸

Application for registration

1. An application for registration shall be filed with the Authority. An application for registration as a European political foundation shall be filed only through the European political party with which the applicant is formally affiliated.

2. The application shall be accompanied by:
 - (a) documents proving that the applicant satisfies the conditions laid down in Article 3, including a standard formal declaration in the form set out in ~~the~~ Annex I;
 - (b) the statutes of the party or foundation, containing the provisions required by Articles 4 and ~~65~~, including the relevant annexes and, where applicable, the statement of the Member State of the seat referred to in Article ~~1815~~(2).

3. The Commission ~~shall be~~ is empowered to adopt delegated acts in accordance with Article ~~4036~~ and within the scope of the relevant provisions of this Regulation concerning :
 - (a) ~~to identify~~ the identification of any supplementary information or supporting document in relation to paragraph 2 necessary to allow the Authority to fully discharge its responsibilities under this Regulation in relation to the operation of the Register;
 - (b) ~~to amend~~ the amendment of the standard formal declaration in ~~the~~ Annex I in respect of the particulars to be filled in by the applicant where necessary, in order to ensure that sufficient information is being held in relation to the signatory, ~~his or her~~ their mandate and the European political party or European political foundation which they ~~he or she~~ [...] are mandated to represent for the purposes of the declaration.

4. Documentation submitted to the Authority as part of the application shall be published immediately on the website referred to in Article ~~3632~~.

Article ~~109~~

Examination of the application and decision of the Authority

1. The application shall be examined by the Authority in order to determine whether the applicant satisfies the conditions for registration laid down in Article 3 and whether the statutes contain the provisions required by Articles 4 and ~~65~~.
2. The Authority shall adopt a decision to register the applicant, unless it establishes that the applicant does not satisfy the conditions for registration laid down in Article 3 or that the statutes do not contain the provisions required by Articles 4 and ~~65~~.

The Authority shall publish its decision to register the applicant within one month following receipt of the application for registration or, where the procedures set out in Article ~~1815~~(4) are applicable, within four months following receipt of the application for registration.

Where an application is incomplete, the Authority shall ask the applicant without delay to submit any additional information required. For the purposes of the deadline laid down in the second subparagraph, time shall only start to run from the date of receipt by the Authority of a complete application.

3. The standard formal declaration referred to in ~~point (a) of Article 98(2), point (a),~~ shall be considered sufficient for the Authority to ascertain that the applicant complies with the conditions specified in ~~point (e) of Article 3(1), points (d) and (e), or point (e) of Article 3(2), points (c) and (d),~~ whichever is applicable.
4. A decision of the Authority to register an applicant shall be published in the *Official Journal of the European Union*, together with the statutes of the party or foundation concerned. A decision not to register an applicant shall be published in the *Official Journal of the European Union*, together with the detailed grounds for rejection.
5. Any amendments to the documents or statutes submitted as part of the application for registration in accordance with Article 98(2) shall be notified **within ten working days** to the Authority, which shall update the registration in accordance with the procedures set out in Article ~~1845(2)~~ and (4), mutatis mutandis.
6. The updated list of member parties of a European political party, annexed to the party statutes in accordance with Article 4(2), shall be sent to the Authority ~~each year~~ **within ten working days of any changes made**. Any changes following which the European political party might no longer satisfy the condition laid down in ~~point (b) of Article 3(1), point (b),~~ shall be communicated to the Authority within ~~four weeks~~ **five working days** of any such change.

Article ~~1140~~

Verification of compliance with registration conditions and requirements

1. Without prejudice to the procedure laid down in paragraph 3 ~~⊗~~ of this Article ~~⊗~~, the Authority shall regularly verify that the conditions for registration laid down in Article 3, and the governance provisions set out in ~~points (a), (b) and (d) to (f) of Article 4(1), points (a), (b), (d), (e) and (f), and Article 6(1), points (a) to (e) and (g) of Article 5(1),~~ continue to be complied with by registered European political parties and European political foundations.
2. If the Authority finds that any of the conditions for registration or governance provisions referred to in paragraph 1, with the exception of the conditions in ~~Article 3(1), point (de), of Article 3(1)~~

and Article 3(2), point (c) ~~of Article 3(2)~~, are no longer complied with, it shall notify the European political party or foundation concerned.

3. →₁ The European Parliament, acting on its own initiative or following a reasoned request from a group of citizens, submitted in accordance with the relevant provisions of its Rules of Procedure, or the Council or the Commission, may lodge with the Authority a request for verification of compliance by a specific European political party or European political foundation with the conditions laid down in ~~point (e) of Article 3(1)~~, point (d) ↻ and (e) Ⓞ, and Article 3(2), point (c) ↻ and (d) Ⓞ ~~of Article 3(2)~~. In such cases, and in the cases referred to in ~~point (a) of Article 1946(3)~~, point (a), the Authority shall ask the committee of independent eminent persons ~~established by~~ ☒ referred to in ☒ Article ~~1411~~ for an opinion on the subject. The committee shall give its opinion within two months. ←

Where the Authority becomes aware of facts which may give rise to doubts concerning compliance by a specific European political party or European political foundation with the conditions laid down in ~~point (e) of Article 3(1)~~, point (d) ↻ and (e) Ⓞ, and ~~point (e) of Article 3(2)~~, point (c) ↻ and (d) Ⓞ, it shall inform the European Parliament, the Council and the Commission with a view to allowing any of them to lodge a request for verification as referred to in the first subparagraph. Without prejudice to the first subparagraph, the European Parliament, the Council and the Commission shall indicate their intention within two months of receiving that information.

↓ 2019/493 Art. 1.2

The procedures laid down in the first and second subparagraphs shall not be initiated within a period of two months prior to elections to the European Parliament. That time limit shall not apply with regard to the procedure set out in Article ~~1210a~~.

↓ 1141/2014 (adapted)

⇒ new

↻ Council

Having regard to the committee's opinion, the Authority shall decide whether to de-register the European political party or European political foundation concerned. The decision of the Authority shall be duly reasoned.

A decision of the Authority to de-register on grounds of non-compliance with the conditions set out in ~~point (e) of~~ Article 3(1), ~~point (d) and (e)~~, or ~~point (e) of~~ Article 3(2), ~~point (c) and (d)~~, may only be adopted in the event of manifest and serious breach of those conditions. It shall be subject to the procedure set out in paragraph 4.

4. A decision of the Authority to de-register a European political party or foundation on the ground of a manifest and serious breach as regards compliance with the conditions set out in ~~point (e) of~~ Article 3(1), ~~point (d) and (e)~~, or ~~point (e) of~~ Article 3(2), ~~point (c) and (d)~~, shall be communicated to the European Parliament and the Council. The decision shall enter into force only if no objection is expressed by the European Parliament and the Council within a period of three months of the communication of the decision to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Authority that they will not object. In the event of an objection by the European Parliament and by the Council, the European political party or foundation shall remain registered.

The European Parliament and the Council may object to the decision only on grounds related to the assessment of compliance with the conditions for registration set out ~~in point (e) of~~ Article 3(1), ~~point (d) and (e)~~, and ~~point (e) of~~ Article 3(2), ~~point (c) and (d)~~.

The European political party or European political foundation concerned shall be informed that objections have been raised to the decision of the Authority to de-register it.

The European Parliament and the Council shall adopt a position in accordance with their respective decision-making rules as established in conformity with the Treaties. Any objection shall be duly reasoned and shall be made public.

5. A decision of the Authority to de-register a European political party or a European political foundation, to which no objections have been raised under the procedure laid down in paragraph 4, ~~together with the detailed grounds for de-registration, shall be~~ notified to the European political party or foundation concerned and published in the *Official Journal of the European Union*. ~~together with the detailed grounds for de-registration, and~~ The decision shall ~~enter into force three months following the date of such publication~~ take effect upon notification [...].
6. A European political foundation shall automatically forfeit its status as such if the European political party with which it is affiliated is removed from the Register.

↓ 2019/493 Art. 1.3 (adapted)

Article ~~1240a~~
Verification procedure related to infringements of rules on the protection of personal data

1. No European political party or European political foundation shall deliberately influence, or attempt to influence, the outcome of elections to the European Parliament by taking advantage of an infringement by a natural or legal person of the applicable rules on the protection of personal data.
2. If the Authority is informed of a decision of a national supervisory authority within the meaning of ~~point 21 of~~ Article 4, ~~point (21),~~ of Regulation (EU) 2016/679 ~~of the European Parliament and of the Council~~⁷ finding that a natural or legal person has infringed applicable rules on the protection of personal data, and if it follows from that decision, or if there are otherwise reasonable grounds to believe, that the infringement is linked to political activities by a European political party or a European political foundation in the context of elections to the European Parliament, the Authority shall refer this matter to the committee of independent eminent persons ~~established by~~ referred to in Article ~~1411~~ of this Regulation. The Authority may, if necessary, liaise with the national supervisory authority concerned.
3. The committee referred to in paragraph 2 shall give an opinion as to whether the European political party or European political foundation concerned has deliberately influenced or attempted to influence the outcome of elections to the European Parliament by taking advantage of that infringement. The Authority shall request the opinion without undue delay, and no later than ~~+~~ one month after being informed of the decision of the national supervisory authority. The Authority shall set a short, reasonable deadline for the committee to give its opinion. The committee shall comply with that deadline.
4. Having regard to the committee's opinion, the Authority shall decide, pursuant to ~~point (a)(vii) of~~ Article ~~3027(2),~~ ~~point (a)(vii),~~ whether to impose financial sanctions on the European political party or European political foundation concerned. The decision of the Authority shall be duly

⁷ ~~Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).~~

reasoned, in particular with regard to the committee's opinion, and shall be published expeditiously.

5. The procedure set out in this Article is without prejudice to the procedure set out in Article 1140.

↓ new

[Article 13]

Reporting on political advertising

The Authority shall annually prepare and publish a report on the political advertising activity of European political parties. This report shall include a factual summary of the reports for the relevant reporting year published by European political parties according to Article 5(4), as well as any decisions of the national regulatory authorities designated under Article 5(6) or of the supervisory authorities referred to in Article 5(7) finding that a European political party has violated Article 5 of this Regulation.]

↓ 1141/2014 (adapted)

→₁ 2019/493 Art. 1.4

⇒ new

Article 144

Committee of independent eminent persons

1. ~~A~~ The committee of independent eminent persons ~~is hereby~~ established by Regulation (EU, Euratom) No 1141/2014 ~~It~~ shall consist of six members, with the European Parliament, the Council and the Commission each appointing two members. The members of the committee shall be selected on the basis of their personal and professional qualities. They shall neither be members of the European Parliament, the Council or the Commission, nor hold any electoral mandate, be officials or other servants of the European Union or be current or former employees of a European political party or a European political foundation.

Members of the committee shall be independent in the performance of their duties. They shall neither seek nor take instructions from any institution or government or from any other body, office or agency, and shall refrain from any act which is incompatible with the nature of their duties.

The committee shall be renewed within six months after the end of the first session of the European Parliament following each election to the European Parliament. The mandate of the members shall not be renewable.

2. The committee shall adopt its own rules of procedure. The chair of the committee shall be elected by its members from amongst their number in accordance with those rules. The secretariat and funding of the committee shall be provided by the European Parliament. The secretariat of the committee shall act under the sole authority of the committee.

3. ➔₁ When requested by the Authority, the committee shall give an opinion on:

- (a) any possible manifest and serious breach of the values on which the Union is founded, as referred to in ~~point (e) of Article 3(1), point (d), and point (e) of Article 3(2), point (c),~~ by a European political party or a European political foundation;
- (b) whether a European political party or a European political foundation has deliberately influenced or attempted to influence the outcome of elections to the European Parliament by taking advantage of an infringement of the applicable rules on the protection of personal data;;

In the cases referred to in ~~points (a) and (b) of~~ the first subparagraph, points (a) and (b), the committee may request any relevant document or evidence from the Authority, the European Parliament, the European political party or European political foundation concerned, other political parties, political foundations or other stakeholders, and it may request to hear their representatives. In the case referred to in ~~point (b) of~~ the first subparagraph, point (b), the national supervisory authority referred to in Article ~~12(10)~~ shall cooperate with the committee in accordance with applicable law. ←

In its opinions, the committee shall give full consideration to the fundamental right of freedom of association and to the need to ensure pluralism of political parties in Europe.

The opinions of the committee shall be made public without delay.

CHAPTER III

LEGAL STATUS OF EUROPEAN POLITICAL PARTIES AND EUROPEAN POLITICAL FOUNDATIONS

Article ~~15~~¹²

Legal personality

European political parties and European political foundations shall have European legal personality.

Article ~~16~~¹³

Legal recognition and capacity

European political parties and European political foundations shall enjoy legal recognition and capacity in all Member States.

Article ~~17~~¹⁴

Applicable law

1. European political parties and European political foundations shall be governed by this Regulation.
2. For matters not regulated by this Regulation or, where matters are only partly regulated by it, for those aspects which are not covered by it, European political parties and European political foundations shall be governed by the applicable provisions of national law in the Member State in which they have their respective seats.

Activities carried out by European political parties and European political foundations in other Member States shall be governed by the relevant national laws of those Member States.

3. For matters not regulated by this Regulation or by the applicable provisions pursuant to paragraph 2 or, where matters are only partly regulated by them, for those aspects which are not covered by them, European political parties and European political foundations shall be governed by the provisions of their respective statutes.

*Article ~~18~~15***Acquisition of European legal personality**

1. A European political party or a European political foundation shall acquire European legal personality on the date of publication in the *Official Journal of the European Union* of the decision of the Authority to register it, pursuant to Article ~~10~~9.
2. If the Member State in which an applicant for registration as a European political party or a European political foundation has its seat so requires, the application submitted pursuant to Article ~~9~~8 shall be accompanied by a statement issued by that Member State, certifying that the applicant has complied with all relevant national requirements for application, and that its statutes are in conformity with the applicable law referred to in the first subparagraph of Article ~~17~~14(2).
3. Where the applicant enjoys legal personality under the law of a Member State, the acquisition of European legal personality shall be regarded by that Member State as a conversion of the national legal personality into a successor European legal personality. The latter shall fully maintain any pre-existing rights and obligations of the former national legal entity, which shall cease to exist as such. The Member States concerned shall not apply prohibitive conditions in the context of such conversion. The applicant shall maintain its seat in the Member State concerned until a decision in accordance with Article ~~10~~9 has been published.
4. If the Member State in which the applicant has its seat so requires, the Authority shall fix the date of the publication referred to in paragraph 1 only after consultation with that Member State.

*Article ~~19~~16***Termination of European legal personality**

1. A European political party or a European political foundation shall lose its European legal personality upon the ⇒ notification of a decision pursuant to Article 11(5) ⇐ ~~entry into force of a decision of the Authority to remove it from the Register as published in the *Official Journal of the European Union*. The decision shall enter into force three months after such publication unless the European political party or the European political foundation concerned requests a shorter period.~~
2. A European political party or a European political foundation shall be removed from the Register by a decision of the Authority:
 - (a) as a consequence of a decision adopted pursuant to Article ~~11~~10(2) to (5);

- (b) in the circumstances provided for in Article ~~1140~~(6);
- (c) at the request of the European political party or European political foundation concerned; ~~or~~
- (d) in the cases referred to in ~~point (b) of the first subparagraph of~~ paragraph 3, first subparagraph, point (b), of this Article.

3. If a European political party or a European political foundation has seriously failed to fulfil relevant obligations under national law applicable by virtue of the first subparagraph of Article ~~1744~~(2), the Member State of the seat may address to the Authority a duly reasoned request for de-registration which ~~must~~ shall identify precisely and exhaustively the illegal actions and the specific national requirements that have not been complied with. In such cases, the Authority shall:

- (a) for matters relating exclusively or predominantly to elements affecting respect for the values on which the Union is founded, as expressed in Article 2 TEU, initiate a verification procedure in accordance with Article ~~1140~~(3) of this Regulation . Article ~~1140~~(4), (5) and (6) of this Regulation shall also apply;
- (b) for any other matter, and when the reasoned request of the Member State concerned confirms that all national remedies have been exhausted, decide to remove the European political party or European political foundation concerned from the Register.

If a European political party or a European political foundation has seriously failed to fulfil relevant obligations under national law applicable by virtue of the second subparagraph of Article ~~1744~~(2), and if the matter relates exclusively or predominantly to elements affecting respect of the values on which the Union is founded, as expressed in Article 2 TEU, the Member State concerned may address a request to the Authority in accordance with the provisions of the first subparagraph of this paragraph. The Authority shall proceed in accordance with ~~point (a) of the first subparagraph, point (a),~~ of this paragraph.

In all cases, the Authority shall act without undue delay. The Authority shall inform the Member State concerned and the European political party or European political foundation concerned of the follow-up given to the reasoned request for de-registration.

4. The Authority shall fix the date of the publication referred to in paragraph 1 after consultation with the Member State in which the European political party or European political foundation has its seat.

5. If the European political party or European political foundation concerned acquires legal personality under the law of the Member State of its seat, such acquisition shall be regarded by that Member State as a conversion of the European legal personality into a national legal personality that fully maintains the pre-existing rights and obligations of the former European legal entity. The Member State in question shall not apply prohibitive conditions in the context of such conversion.
6. If the European political party or European political foundation does not acquire legal personality under the law of the Member State of its seat, it shall be wound up in accordance with the applicable law of that Member State. The Member State concerned may require that such winding-up be preceded by the acquisition by the party or foundation concerned of national legal personality in accordance with paragraph 5.
7. In all situations referred to in paragraphs 5 and 6, the Member State concerned shall ensure that the not-for-profit condition laid down in Article 3 is fully respected. The Authority and the Authorising Officer of the European Parliament may agree with the Member State concerned the modalities for termination of the European legal personality, in particular in order to ensure the recovery of any funds received from the general budget of the European Union and the payment of any financial sanctions imposed in accordance with Article ~~3027~~.

CHAPTER IV

FUNDING PROVISIONS

Article ~~2017~~

Funding conditions

1. A European political party which is registered in accordance with the conditions and procedures laid down in this Regulation, which is represented in the European Parliament by at least one of its members, and which is not in one of the situations of exclusion referred to in Article ~~136106~~(1) of the Financial Regulation Regulation (EU, Euratom) 2018/1046 may apply for funding from the general budget of the European Union, in accordance with the terms and conditions published by the Authorising Officer of the European Parliament in a call for contributions.

2. A European political foundation which is affiliated with a European political party eligible to apply for funding under paragraph 1, which is registered in accordance with the conditions and procedures laid down in this Regulation, and which is not in one of the situations of exclusion referred to in Article ~~136106~~(1) of ~~the Financial Regulation~~ Regulation (EU, Euratom) 2018/1046 may apply for funding from the general budget of the European Union, in accordance with the terms and conditions published by the Authorising Officer of the European Parliament in a call for proposals.
3. For the purposes of determining eligibility for funding from the general budget of the European Union in accordance with paragraph 1 of this Article and ~~point (b) of~~ Article 3(1), point (b), and for the application of Article ~~2219~~(1), a member of the European Parliament shall be considered as a member of only one European political party, ~~which shall, where relevant, be the one to which~~ their ~~his or her national or regional political party is affiliated on the final date for the submission of applications for funding.~~ **Only direct membership, whereby a Member of the European Parliament is an individual member of a European political party, shall be taken into account.**

Should a Member of the European Parliament be an individual member of more than one European political party, they shall notify the Authority of the European party for which they should be considered a member for the purposes of determining eligibility for funding from the general budget of the European Union.

↓ 2018/673 Art. 1.6 (adapted)

⇒ new

⇒ Council

4. Financial contributions or grants from the general budget of the European Union shall not exceed ~~90~~ ⇒ [...] ⇐ 90 % of the annual reimbursable expenditure indicated in the budget of a European political party and 95% ⇒ [...] of the eligible costs incurred by a European political foundation. European political parties may use any unused part of the Union contribution awarded to cover reimbursable expenditure within the financial year following its award. Amounts unused after that financial year shall be recovered in accordance with ~~the Financial Regulation~~ Regulation (EU, Euratom) 2018/1046 . [...]

4 a. Notwithstanding provisions in Article 20(4), an additional stream of funding from the general budget of the European Union shall be distributed equally among the beneficiary European political parties one year before European elections. European political parties

may use this special funding to cover election-related reimbursable expenditure within the 12 months following its award. Amounts unused after that calendar year shall be recovered in accordance with Regulation (EU, Euratom) 2018/1046.

↓ 1141/2014

5. Within the limits set out in Articles ~~2421~~ and ~~2522~~, the expenditure reimbursable through a financial contribution shall include administrative expenditure and expenditure linked to technical assistance, meetings, research, cross-border events, studies, information and publications, as well as expenditure linked to campaigns.

Article ~~2148~~

Application for funding

1. In order to receive funding from the general budget of the European Union, a European political party or European political foundation which satisfies the conditions of Article ~~2017~~(1) or (2) shall file an application with the European Parliament following a call for contributions or proposals.

↓ 2019/493 Art. 1.5 (adapted)

⇒ new

⇒ Council

2. The European political party and the European political foundation ~~must~~ shall , at the time of its application, comply with the obligations listed in Article ~~2623~~, and, ~~from~~ ~~the~~ ~~date~~ ~~of~~ ~~its~~ ~~application~~ until the end of the financial year or of the action covered by the contribution or grant, it shall remain registered in the Register and ~~may~~ shall not be the subject of any of the sanctions provided for in Article ~~3027~~(1) and in ~~point (a) (v), (vi), and (vii) of Article 3027(2)~~ , points (a) (v) to (~~vii~~ [...]) .

↓ 2018/673 Art. 1.7 (adapted)

- ~~203.~~ A European political party shall include in its application evidence demonstrating that its EU member parties have, as a rule, published on their websites, in accordance with Article 4(1), point (i), ~~in a clearly visible and user-friendly manner~~, throughout the 12 months preceding

the final date for submission of applications, the political programme and logo of the European political party.

↓ new

→ Council

4. A European political party shall include in its application evidence demonstrating its compliance with Article 4(1), point (j), and that its member parties have → [...] ← → maintained ← on their websites, during 12 months preceding the moment at which the application is made, information on the gender representation among the candidates at the last elections to the European Parliament and on the evolution of gender representation among their Members of the European Parliament.
5. [A European political party shall include in its application evidence demonstrating its compliance with Article 5, that it maintains an up to date policy for the use of political advertising and that it has implemented it throughout the 12 months preceding the final date for submission of applications.]

↓ 1141/2014 (adapted)

- ~~62.~~ A European political foundation shall include in its application its annual work programme or action plan.
- ~~74.~~ The Authorising Officer of the European Parliament shall adopt a decision within three months after closure of the call for contributions or call for proposals, and shall authorise and manage the corresponding appropriations in accordance with ~~the Financial Regulation~~ ☒ Regulation (EU, Euratom) 2018/1046 ☒ .
- ~~85.~~ A European political foundation may apply for funding from the general budget of the European Union only through the European political party with which it is affiliated.

Article ~~2249~~

Award criteria and distribution of funding

↓ 2018/673 Art. 1.8

1. The respective appropriations available to those European political parties and European political foundations which have been awarded contributions or grants in accordance with Article ~~2148~~ shall be distributed annually on the basis of the following distribution key:
- (a) 10 % shall be distributed among the beneficiary European political parties in equal shares;
- (b) 90 % shall be distributed among the beneficiary European political parties in proportion to their share of elected members of the European Parliament.

The same distribution key shall be used to award funding to European political foundations, on the basis of their affiliation with a European political party.

↓ 1141/2014 (adapted)

→ Council

2. The distribution referred to in paragraph 1 shall be based on the number of elected members of the European Parliament who are members of the applicant European political party on the final date for the submission of applications for funding, taking into account Article ~~2047~~(3).

After that date, any changes to the number shall not affect the respective share of funding between European political parties or European political foundations. This is without prejudice to the requirement in Article ~~2047~~(1) for a European political party to be represented in the European Parliament by at least one of its members.

Article ~~2320~~

Donations, ~~and~~ contributions ☒ and → [...] ← self-generated ← resources ☒

1. European political parties and European political foundations may accept donations from natural or legal persons of up to a value of EUR 18000 per year and per donor.
2. European political parties and European political foundations shall, ~~at the time of the submission of their annual financial statements in accordance with Article ~~2623~~~~ **within one month of the end of the financial year**, ~~also~~ transmit a list of all donors with their corresponding donations, indicating both the nature and the value of the individual donations. This paragraph shall also

apply to contributions made by member parties **and individual members** of European political parties and member organisations of European political foundations.

~~For donations from natural persons the value of which exceeds EUR 1500 per year and per donor and is below or equal to EUR 3000, the European political party or European political foundation concerned shall indicate whether the corresponding donors have given their prior written consent to publication in accordance with point (e) of Article 3632(1), point (e).~~

3. Donations received by European political parties and European political foundations [...] within six months prior to elections to the European Parliament shall be reported on a weekly basis to the Authority in writing and in accordance with paragraph 2.
4. Single donations the value of which exceeds EUR 12000 that have been accepted by European political parties and European political foundations shall be immediately reported to the Authority in writing and in accordance with paragraph 2.

↓ new

↻ Council

5. For all donations the **cumulated annual** value of which exceeds EUR 1500 per year and per **from the same** donor, European political parties and European political foundations shall request donors to provide the necessary information for their proper identification. European political parties and European political foundations shall transmit the information received to the Authority ~~upon its request~~ **alongside information on the donations.**

The Authority shall establish a form to be used for purposes of the first subparagraph.

↓ 1141/2014 (adapted)

65. European political parties and European political foundations shall not accept any of the following:
 - (a) anonymous donations or contributions;
 - (b) donations from the budgets of political groups in the European Parliament;
 - (c) donations from any public authority from a Member State or a third country, or from any undertaking over which such a public authority may exercise, directly or indirectly, a

dominant influence by virtue of its ownership of it, its financial participation therein, or the rules which govern it; or

- (d) donations from any private entities based in a third country or from individuals from a third country who are not entitled to vote in elections to the European Parliament.

76. Any donation that is not permitted under this Regulation shall within 30 days following the date of its receipt by a European political party or a European political foundation:

- (a) be returned to the donor or to any person acting on the donor's behalf; ~~or~~
- (b) where it is not possible to return it, be reported to the Authority and the European Parliament.

☒ Where a donation is reported, pursuant to the first subparagraph, point (b), ☒ ~~the~~ Authorising Officer of the European Parliament shall establish the amount receivable and authorise the recovery in accordance with the provisions laid down in Articles 98 to 100 of ~~the Financial Regulation~~ ☒ Regulation (EU, Euratom) 2018/1046 ☒. The funds shall be entered as general revenue in the European Parliament section of the general budget of the European Union.

↓ new

→ Council

8. The Authority shall carry out verifications where it has grounds to believe that any donation has been granted in breach of this Regulation. It may for that purpose request additional information from the European political party or European political foundation and its donors → and cooperate with the relevant authorities of the Member States ● .

↓ 1141/2014 (adapted)

→ Council

97. Contributions → [...] ● → to ● a European political party → from its members ● → [...] ● shall be permitted. The total → [...] ● value of → [...] ● → such ● contributions → [...] ● shall not exceed 40 % of the annual budget of → [...] ● → that ● European political party. → [...] ● **The total value of contributions from member parties shall not exceed two-thirds of the total sum of all donations and contributions; amounts received in excess shall be returned to member parties.**

108. Contributions ~~to~~ [...] ~~to~~ a European political foundation ~~from~~ [...] ~~its~~ members [...], and from the European political party with which it is affiliated, shall be permitted. The [...] value of [...] ~~such~~ contributions ~~shall~~ [...] shall not exceed 40 % of the annual budget of [...] ~~that~~ European political foundation and [...] ~~may~~ not derive from funds received by a European political party pursuant to this Regulation from the general budget of the European Union. [...]

The burden of proof shall rest with the European political party concerned, which shall clearly indicate in its accounts the origin of funds used to finance its affiliated European political foundation.

119. Without prejudice to paragraphs 87 and 98, European political parties and European political foundations may accept from citizens who are their members contributions up to a value of EUR 18000 per year and per member, where such contributions are made by the member concerned on his or her own behalf.

The ceiling laid down in the first subparagraph shall not apply where the member concerned is also an elected member of the European Parliament, of a national parliament or of a regional parliament or regional assembly.

~~1210.~~ Any contribution that is not permitted under this Regulation shall be returned in accordance with paragraph 76.

↓ new

→ Council

13. The value of [...] ~~self-generated~~ resources of a European political party or of a European political foundation generated from own economic activities shall not exceed [...] ~~2~~ % of the annual budget of that European political party or European political foundation.

↓ 1141/2014 (adapted)

→ Council

Article ~~2421~~

Financing of campaigns [...]

1. Subject to the second subparagraph, the funding of European political parties from the general budget of the European Union or from any other source may be used to [...]

☞ a. finance campaigns conducted by the European political parties in the context of elections to the European Parliament in which they or their members participate as required by point (d) of Article 3(1), point (f).

☞ b. co-finance with their members, in compliance with national rules, joint events with a view to contributing to forming European political awareness ☞.

In accordance with Article 8 of the Act concerning the election of the members of the European Parliament by direct universal suffrage⁸, the funding and possible limitation of election expenses for all political parties, candidates and third parties in, in addition to their participation in, elections to the European Parliament is governed in each Member State by national provisions.

↓ new

2. ☞ [...] ☞

↓ 1141/2014 (adapted)

⇒ new

☞ Council

☞. Expenditure linked to the campaigns referred to in paragraph 1 ☞ [...] ☞ shall be clearly identified as such by the European political parties in their annual financial statements.

Article ~~25~~

Prohibition of funding

1. Notwithstanding Article ~~24~~(1), the funding of European political parties from the general budget of the European Union or from any other source shall not be used for the direct or indirect funding of other political parties, and in particular national parties or candidates. Those national political parties and candidates shall continue to be governed by national rules.
2. The funding of European political foundations from the general budget of the European Union or from any other source shall not be used for any other purpose than for financing their tasks as listed in point (4) of Article 2, point (4), and to meet expenditure directly linked to the objectives set out in their statutes in accordance with Article ~~6~~5. It shall in particular not be used for the direct or indirect funding of elections, political parties, or candidates or other foundations.

⁸ OJ L 278, 8.10.1976, p. 5.

3. The funding of European political parties and European political foundations from the general budget of the European Union or from any other source shall not be used to finance referendum campaigns. ©

CHAPTER V

CONTROL AND SANCTIONS

Article ~~2623~~

Accounts, reporting and audit obligations

1. At the latest within ~~six~~ **three** months following the end of the financial year, European political parties and European political foundations shall submit to the Authority, with a copy to the Authorising Officer of the European Parliament and to the competent National Contact Point of the Member State of their seat:
 - (a) their annual financial statements and accompanying notes, covering their revenue and expenditure, assets and liabilities at the beginning and at the end of the financial year, in accordance with the law applicable in the Member State in which they have their seat ~~and their annual financial statements on the basis of the international accounting standards defined in Article 2 of Regulation (EC) No 1606/2002 of the European Parliament and of the Council;~~ **the section on revenue shall detail and separate, for contributions from all types of members, those contributions that are mandatory and those that are voluntary;**
 - (b) an external audit report on the annual financial statements, covering both the reliability of those financial statements and the legality and regularity of their revenue and expenditure, carried out by an independent body or expert; ~~and~~
 - ~~(c) the list of donors and contributors and their corresponding donations or contributions reported in accordance with Article ~~2320~~(2), (3) and (4).~~
2. Where expenditure is implemented by European political parties jointly with national political parties or by European political foundations jointly with national political foundations, or with other organisations, evidence of the expenditure incurred by the European political parties or by

the European political foundations directly or through those third parties shall be included in the annual financial statements referred to in paragraph 1.

3. The independent external bodies or experts referred to in ~~point (b) of~~ paragraph 1, point (b), shall be selected, mandated and paid by the European Parliament. They shall be duly authorised to audit accounts under the law applicable in the Member State in which they have their seat or establishment.
4. European political parties and European political foundations shall provide any information requested by the independent bodies or experts for the purpose of their audit.
5. The independent bodies or experts shall inform the Authority and the Authorising Officer of the European Parliament of any suspected illegal activity, fraud or corruption which may harm the financial interests of the Union. The Authority and the Authorising Officer of the European Parliament shall inform the National Contact Points concerned thereof.

Article ~~27~~²⁴

General rules on control

1. Control of compliance by European political parties and European political foundations with their obligations under this Regulation shall be exercised, in cooperation, by the Authority, by the Authorising Officer of the European Parliament and by the competent Member States.
2. The Authority shall control compliance by European political parties and European political foundations with their obligations under this Regulation, in particular in relation to Article 3, ~~points (a), (b), and (d) to (f) of~~ Article 4(1), points (a), (b), (d), (e) and (f), ~~points (a) to (e) and (g) of Article ~~6~~⁵(1), points (a) to (e) and (g), Article ~~10~~⁹(5) and (6), and Articles ~~23~~²⁰, ~~24~~²¹ and ~~25~~²².~~

The Authorising Officer of the European Parliament shall control compliance by European political parties and European political foundations with the obligations relating to Union funding under this Regulation in accordance with ~~the Financial Regulation~~ Regulation (EU, Euratom) 2018/1046 . In carrying out such controls, the European Parliament shall take the necessary measures in the fields of the prevention of and the fight against fraud affecting the financial interests of the Union.

3. The control by the Authority and by the Authorising Officer of the European Parliament referred to in paragraph 2 shall not extend to compliance by European political parties and European

political foundations with their obligations under applicable national law as referred to in Article ~~1744~~.

4. European political parties and European political foundations shall provide any information requested by the Authority, the Authorising Officer of the European Parliament, the Court of Auditors, the European Anti-Fraud Office (OLAF) or Member States which is necessary for the purpose of carrying out the controls for which they are responsible under this Regulation.

Upon request and for the purpose of controlling compliance with Article ~~2320~~, European political parties and European political foundations shall provide the Authority with information concerning contributions made by individual members and the identity of such members.

Moreover, where appropriate, the Authority may require European political parties to provide signed confirmatory statements from members holding elected mandates for the purpose of controlling compliance with the condition laid down in ~~the first subparagraph of point (b) of Article 3(1), point (b) (i)~~.

Article ~~2825~~

Implementation and control in respect of Union funding

1. Appropriations for the funding of European political parties and European political foundations shall be determined under the annual budgetary procedure and shall be implemented in accordance with this Regulation and ~~the Financial Regulation~~ Regulation (EU, Euratom) 2018/1046 .

The terms and conditions for contributions and grants shall be laid down by the Authorising Officer of the European Parliament in the call for contributions and the call for proposals.

2. Control of funding received from the general budget of the European Union and its use shall be exercised in accordance with ~~the Financial Regulation~~ Regulation (EU, Euratom) 2018/1046 .

Control shall also be exercised on the basis of annual certification by an external and independent audit, as provided for in Article ~~2623~~(1).

3. The Court of Auditors shall exercise its audit powers in accordance with Article 287 TFEU.
4. Any document or information required by the Court of Auditors in order to enable it to carry out its task shall be supplied to it at its request by the European political parties and the European political foundations that receive funding in accordance with this Regulation.

5. The contribution and grant decision or agreement shall expressly provide for auditing by the European Parliament and the Court of Auditors, on the basis of records and on the spot, of the European political party which has received a contribution or the European political foundation which has received a grant from the general budget of the European Union.
6. The Court of Auditors and the Authorising Officer of the European Parliament, or any other external body authorised by the Authorising Officer of the European Parliament, may carry out the necessary checks and verifications on the spot in order to verify the legality of expenditure and the proper implementation of the provisions of the contribution and grant decision or agreement, and, in the case of European political foundations, the proper implementation of the work programme or action. The European political party or European political foundation in question shall supply any document or information needed to carry out this task.
7. OLAF may carry out investigations, including on-the-spot checks and inspections, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council⁹ and Council Regulation (Euratom, EC) No 2185/96¹⁰, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with contributions or grants under this Regulation. If appropriate, its findings may give rise to recovery decisions by the Authorising Officer of the European Parliament.

Article ~~29~~26

Technical support

All technical support provided by the European Parliament to European political parties shall be based on the principle of equal treatment. It shall be granted on conditions no less favourable than those granted to other external organisations and associations that may be accorded similar facilities and shall be supplied against invoice and payment.

⁹ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

¹⁰ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

Article ~~3027~~**Sanctions**

1. In accordance with Article ~~1946~~, the Authority shall decide to remove a European political party or a European political foundation from the Register by way of sanction in any of the following situations:

- (a) where the party or foundation in question \Rightarrow is in one of the situations of exclusion referred to in Article 136(1) of Regulation (EU, Euratom) 2018/1046 \Leftarrow ~~has been found by a judgment having the force of res judicata to have engaged in illegal activities detrimental to the financial interests of the Union as defined in Article 106(1) of the Financial Regulation;~~

↓ 2018/673 Art. 1.9(a)

- (b) where it is established, in accordance with the procedures set out in Article ~~1140~~(2) to (5), that it no longer fulfils one or more of the conditions set out in Article 3(1) or (2);

↓ 2018/673 Art. 1.9(b) (adapted)

- ~~(c)~~ where a decision to register the party or foundation in question is based on incorrect or misleading information for which the applicant is responsible, or where such a decision has been obtained by deceit; ~~or~~

↓ 1141/2014

\Rightarrow new

- ~~(d)~~ where a request by a Member State for de-registration on grounds of serious failure to fulfil obligations under national law meets the requirements set out in ~~point (b) of Article 1946(3), point (b)~~.

2. The Authority shall impose financial sanctions in the following situations:

- (a) non-quantifiable infringements:
- (i) in the event of non-compliance with the requirements of Article ~~109~~(5) or (6);
 - (ii) in the event of non-compliance with the commitments entered into and the information provided by a European political party or European political foundation in accordance

- with ~~points (a), (b) and (d) to (f) of~~ Article 4(1), points (a), (b), (d), (e), (f), ⇒ (i) and (j) ⇐ and with ~~points (a), (b), (d) and (e) of~~ Article ~~65~~(1), points (a), (b), (d) and (e);
- (iii) in the event of failure to transmit the list of donors and their corresponding donations in accordance with Article ~~2320~~(2) or to report donations in accordance with Article ~~2320~~(3) and (4);
- (iv) where a European political party or a European political foundation has infringed the obligations laid down in Article ~~2623~~(1) or Article ~~2724~~(4);
- (v) where a European political party or a European political foundation ~~has been found by a judgment having the force of res judicata to have engaged in illegal activities detrimental to the financial interests of the Union as defined in Article 106(1) of the Financial Regulation~~ ⇒ is in one of the situations of exclusion referred to in Article 136(1) of Regulation (EU, Euratom) 2018/1046 ⇐;
- (vi) where the European political party or the European political foundation concerned has at any time intentionally omitted to provide information or has intentionally provided incorrect or misleading information, ~~or where the bodies authorised by this Regulation to audit or conduct checks on the beneficiaries of funding from the general budget of the European Union detect inaccuracies in the annual financial statements which are regarded as constituting material omissions or misstatements of items in accordance with the international accounting standards defined in Article 2 of Regulation (EC) No 1606/2002 of the European Parliament and of the Council¹¹~~;
- ↓ 2019/493 Art. 1.6(a)
- (vii) where, in accordance with the verification procedure provided for in Article ~~1240a~~, it is established that a European political party or a European political foundation has deliberately influenced or attempted to influence the outcome of elections to the European Parliament by taking advantage of an infringement of the applicable rules on the protection of personal data;

¹¹ ~~Regulation (EC) No 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards (OJ L 243, 11.9.2002, p. 1).~~

↓ new

⇒ Council

(viii) ⇒ [...] ⇐

(ix) ⇒ [...] ⇐

↓ 1141/2014 (adapted)

⇒ new

(b) quantifiable infringements:

- (i) where a European political party or a European political foundation has accepted donations and contributions that are not permitted under Article ~~2320~~(1) or (5), unless the conditions laid down in Article ~~2320~~(7~~6~~) are met;
- (ii) in the event of non-compliance with the requirements laid down in Articles ~~2421~~ and ~~2522~~.

3. The Authorising Officer of the European Parliament may exclude a European political party or a European political foundation from future Union funding for up to five years, or up to 10 years in cases of an infringement repeated within a five-year period, when it has been found guilty of any of the infringements listed in ~~points (v) and (vi) of point (a) of~~ paragraph 2, points (a)(v) and (vi). This is without prejudice to the powers of the Authorising Officer of the European Parliament as set out in Article ~~204~~ 231 of ~~the Financial Regulation~~ ~~⊗~~ Regulation (EU, Euratom) 2018/1046 ~~⊗~~ .

4. For the purposes of paragraphs 2 and 3, the following financial sanctions shall be imposed on a European political party or a European political foundation:

(a) in cases of non-quantifiable infringements, a fixed percentage of the annual budget of the European political party or European political foundation concerned ~~⊗~~ as follows ~~⊗~~:

(i) ⇒ ~~up to~~ ⇐ **from 5 % to 10 %**; ~~⊗~~

(ii) ⇒ ~~from 5-10 % to 10-15 %~~ ⇐ **7,5 %** if there are concurrent infringements; ~~⊗~~

(iii) ⇒ ~~from 10-15 % to 15-20 %~~ ⇐ **20 %** if the infringement in question is a repeated infringement; ~~⊗~~

↓ new

(iv) from 15 20 % to 20 25 % in the case of further repeated infringements;

↓ 1141/2014 (adapted)

⇒ new

⇒ Council

(v) a third of the percentages set out above in points (i) to (iv) if the European political party or European political foundation concerned has voluntarily declared the infringement before the Authority has officially opened an investigation, even in the case of a concurrent infringement or a repeated infringement, and the party or foundation concerned has taken the appropriate corrective measures;xx

(vi) 50 % of the annual budget of the European political party or European political foundation concerned for the preceding year, if the European political party or European political foundation concerned when it has been found by a judgment having the force of res judicata to have engaged in illegal activities detrimental to the financial interests of the Union as defined is in one of the situations of exclusion referred to in Article ~~106~~136(1) of the Financial Regulation Regulation (EU, Euratom) 2018/1046 .

(b) in cases of quantifiable infringements, a fixed percentage of the amount of the irregular sums received or not reported in accordance with the following scale, up to a maximum of 10 % of the annual budget of the European political party or European political foundation concerned:

- (i) 100 % of the irregular sums received or not reported where those sums do not exceed EUR 50000;xx ~~xx~~
- (ii) 150 % of the irregular sums received or not reported where those sums exceed EUR 50000 but do not exceed EUR 100000;xx ~~xx~~
- (iii) 200 % of the irregular sums received or not reported where those sums exceed EUR 100000 but do not exceed EUR 150000;xx ~~xx~~
- (iv) 250 % of the irregular sums received or not reported where those sums exceed EUR 150000 but do not exceed EUR 200000;xx ~~xx~~

- (v) 300 % of the irregular sums received or not reported where those sums exceed EUR 200000; ~~or~~
- (vi) one third of the percentages indicated ~~above~~ in points (i) to (v) if the European political party or European political foundation concerned has voluntarily declared the infringement before the Authority and/or the Authorising Officer of the European Parliament has officially opened an investigation and the party or foundation concerned has taken the appropriate corrective measures.

For the application of the percentages indicated ~~above~~ in the first subparagraph , each donation or contribution shall be considered separately.

5. Whenever a European political party or a European political foundation has committed concurrent infringements of this Regulation, only the sanction laid down for the most serious infringement shall be imposed, unless otherwise provided in ~~point (a) of~~ paragraph 4, first subparagraph, point (a).
6. The sanctions laid down in this Regulation shall be subject to a limitation period of ~~five~~ ten years from the date of commission of the infringement concerned or, in the case of continuing or repeated infringements, from the date on which those infringements ceased.

↓ 2019/493 Art. 1.6(b)

7. Where a decision of the national supervisory authority as referred to in Article ~~1210a~~ has been repealed, or where a remedy against such decision has been granted, provided that all national remedies have been exhausted, the Authority shall review any sanction imposed pursuant to ~~point (a)(vii) of~~ paragraph 2, point (a)(vii), at the request of the European political party or European political foundation concerned.

↓ 2018/673 Art. 1.10

Article ~~3127a~~

Responsibility of natural persons

Where the Authority imposes a financial sanction in the situations referred to in ~~points (a)(v) or (a)(vi) of~~ Article ~~2730(2)~~, points (a)(v) or (a)(vi), it may, for the purpose of recovery pursuant to Article ~~3430(2)~~, establish that a natural person who is a member of the administrative, management or supervisory body of the European political party or European political foundation, or who has powers

of representation, decision or control with regard to the European political party or European political foundation is also responsible for the infringement, in the following cases:

- (a) in the situation referred to in ~~point (a)(v) of Article 3027(2)~~, point (a)(v), where, in the judgment referred to in that provision, the natural person has been found to be also responsible for the illegal activities in question;
- (b) in the situation referred to in ~~point (a)(vi) of Article 27(2)~~, point (a)(vi), where the natural person is also responsible for the conduct or inaccuracies in question.

↓ 1141/2014

Article ~~3228~~

Cooperation between the Authority, the Authorising Officer of the European Parliament and the Member States

1. The Authority, the Authorising Officer of the European Parliament and the Member States via the National Contact Points shall share information and keep each other regularly informed of matters related to funding provisions, controls and sanctions.
2. They shall also agree on practical arrangements for such exchange of information, including the rules regarding the disclosure of confidential information or evidence and the cooperation among Member States.

↓ new

3. The Authority and the Authorising Officer of the European Parliament shall regularly exchange views and information on the interpretation and implementation of this Regulation.

↓ 1141/2014 (adapted)

→₁ 2018/673 Art. 1.11(a)

⇒ new

- ~~43.~~ The Authorising Officer of the European Parliament shall inform the Authority of any findings which might give rise to the imposition of sanctions under Article ~~3027(2)~~ to (4), with a view to allowing the Authority to take appropriate measures. ⇒ The Authority shall make a decision on the imposition of sanctions within [6 months]. ⇐

54. The Authority shall inform the Authorising Officer of the European Parliament of any decision it has taken in relation to sanctions, in order to enable him or her to draw the appropriate consequences under ~~the Financial Regulation~~ Regulation (EU, Euratom) 2018/1046 .

Article ~~33~~²⁹

Corrective measures and principles of good administration

1. With a view to fully comply with the obligations referred to in Article 38, ~~Before taking~~ the Authority's a final decision relating to any of the sanctions referred to in Article ~~30~~²⁷, the Authority or the Authorising Officer of the European Parliament shall give the European political party or the European political foundation concerned an opportunity to introduce the measures required to remedy the situation within a reasonable period of time, which shall not normally exceed one month. In particular, the Authority or the Authorising Officer of the European Parliament shall allow the possibility of correcting clerical and arithmetical errors, providing additional documents or information where necessary or correcting minor mistakes.
2. Where a European political party or a European political foundation has failed to take corrective measures within the period of time referred to in paragraph 1, the appropriate sanctions referred to in Article ~~30~~²⁷ shall be decided.
3. Paragraphs 1 and 2 shall not apply in relation to the conditions set out ~~in points (b) to (d) of Article 3(1), points (b) to (f) and in point (e) of Article 3(2), point (c).~~

Article ~~34~~³⁰

Recovery

1. On the basis of a decision of the Authority removing a European political party or a European political foundation from the Register, the Authorising Officer of the European Parliament shall withdraw or terminate any ongoing decision or agreement on Union funding, except in the cases provided for in ~~point (e) of Article 19~~¹⁶(2), point (c), and in ~~points (b) and (d) of Article 3(1), points (b) and (f).~~ They ~~He or she~~ shall also recover any Union funding, including any unspent Union funds from previous years.
2. **→₁** A European political party or European political foundation on which a sanction has been imposed for any of the infringements listed in Article ~~30~~²⁷(1) and ~~in points (v) and (vi) of Article 30~~²⁷(2), points (a) (v) and (vi), shall for that reason no longer be in compliance with Article ~~21~~¹⁸(2). As a result, the Authorising Officer of the European Parliament shall terminate the

contribution or grant agreement or decision on Union funding received under this Regulation and shall recover amounts unduly paid under the contribution or grant agreement or decision, including any unspent Union funds from previous years. The Authorising Officer of the European Parliament shall also recover amounts unduly paid under the contribution or grant agreement or decision from a natural person in respect of whom a decision pursuant to Article ~~3127a~~ has been taken, taking into account, where applicable, exceptional circumstances relating to that natural person. ←

↓ 2018/673 Art. 1.11(b)

In the event of such termination, payments by the Authorising Officer of the European Parliament shall be limited to the reimbursable expenditure incurred by the European political party or the eligible costs incurred by the European political foundation up to the date when the termination decision takes effect.

↓ 1141/2014 (adapted)

⇒ new

This paragraph shall also be applicable to the cases referred to in ~~point (e)~~ of Article ~~1916~~(2), ~~point (c)~~, and in ~~points (b) and (d)~~ of Article 3(1), ~~points (b) and (f)~~.

CHAPTER VI

FINAL PROVISIONS

Article ~~3531~~

Provision of information to citizens

Subject to Articles ~~2421~~ and ~~2522~~ and to their own statutes and internal processes, European political parties may, in the context of elections to the European Parliament, take all appropriate measures to inform citizens of the Union of the affiliations between national political parties and candidates and the European political parties concerned.

Article ~~36~~³²**Transparency**

1. The ~~European Parliament Authority~~ shall make public, under the ~~its~~ authority of its ~~Authorising Officer~~ or under that of the ~~Authority~~ **Authorising Officer of the European Parliament**, ~~⊗~~ shall make public the following ~~⊗~~ on a **its own** website ~~created for that purpose~~, ~~⇒~~ in an open, machine readable format ~~⇐ the following~~ **and, at the latest, one month after these documents or information are approved or made available to the Authority:**
- (a) the names and statutes of all registered European political parties and European political foundations, together with the documents submitted as part of their applications for registration in accordance with Article ~~9~~⁹, at the latest four weeks after the Authority has adopted its decision and, thereafter, any amendments notified to the Authority pursuant to Article ~~10~~⁹(5) and (6);
 - (b) a list of applications that have not been approved, together with the documents submitted as part thereof, together with the application for registration in accordance with Article ~~9~~⁹ and the grounds for rejection, at the latest four weeks after the Authority adopted its decision;
 - (b a) the applications for funding from the general budget of the European Union filed by European political parties and European political foundations under Article 21;**
 - (c) an annual report with a table of the amounts paid to each European political party and European political foundation, for each financial year for which contributions have been received or grants have been paid from the general budget of the European Union;
 - (d) the annual financial statements and external audit reports referred to in Article ~~26~~²³(1), and, for European political foundations, the final reports on the implementation of the work programmes or actions;
 - (e) the names of donors and their corresponding **individual** donations reported by European political parties and European political foundations in accordance with Article ~~23~~²⁰(2), (3) and (4), with the exception of donations from natural persons the ~~value~~ **yearly sum** of which does not exceed EUR ~~1500~~ **500** per year and per donor, which shall be reported as 'minor donations'. ~~Donations from natural persons the annual value of which exceeds EUR 1500 and is below or equal to EUR 3000 shall not be published without the corresponding donor's prior written consent to their publication. If no such prior consent has been given,~~

~~such donations shall be reported as 'minor donations'~~. The total amount of minor donations and the number of donors per calendar year shall also be published;

- (f) the **names of all contributors and their corresponding individual** contributions referred to in Article ~~2320(97)~~ and ~~(108)~~ and reported by European political parties and European political foundations in accordance with Article ~~2320(2)~~, ~~including the identity of the member parties or organisations which made those contributions~~ **with the exception of contributions from natural persons the yearly sum of which does not exceed EUR 500 per donor, which shall be reported as 'minor contributions'. The total amount of minor contributions and the number of contributors per calendar year shall also be published**;

↓ new

- (g) in the 6-month period prior to the elections to the European Parliament, the weekly reports received pursuant to Article 23(3) **within two working days of their receipt**;

↓ 1141/2014

- ~~(h)~~ the details of and reasons for any final decisions taken by the Authority pursuant to Article ~~3027~~, including, where relevant, any opinions adopted by the committee of independent eminent persons in accordance with Articles ~~1140~~ and ~~1411~~, having due regard to Regulation ~~(EU) 2018/1725(EG) No 45/2001~~;
- ~~(i)~~ the details of and reasons for any final decision taken by the Authorising Officer of the European Parliament pursuant to Article ~~3027~~;

↓ 2018/673 Art. 1.12(a)

- ~~(j)~~ a description of the technical support provided to European political parties;

↓ 2018/673 Art. 1.12(b) (adapted)

- ~~(k)~~ the evaluation report of the European Parliament on the application of this Regulation and on the funded activities referred to in Article ~~4238~~; ~~and~~

↓ 2018/673 Art. 1.12(c)

(~~kk~~) an updated ~~list~~ **table** of Members of the European Parliament who are members of a European political party, **including a yearly record of Members of the European Parliament's past membership status.**

↓ 1141/2014 (adapted)

→ Council

2. The ~~European Parliament~~ **Authority** shall make public, **in an open, machine readable format, the list a table** of legal persons who are members of a European political party, as annexed to the party statutes in accordance with Article 4(2) and updated in accordance with Article ~~109~~(6), as well as **a table indicating** the total number of individual members **for each European political party, including a yearly record of these information and numbers.**
3. Personal data shall be excluded from publication on the website referred to in paragraph 1 unless those personal data are published pursuant to paragraph 1, points (a), (e), or (~~hg~~) ~~of paragraph 1~~.
4. European political parties and European political foundations shall, in a publicly available privacy statement, provide potential members and donors with the information required by Article ~~1310~~ of ~~Regulation (EU) 2016/679~~ ~~Directive 95/46/EC~~, and shall inform them that their personal data will be processed for auditing and control purposes by the European Parliament, the Authority, OLAF, the Court of Auditors, Member States, or external bodies or experts authorised thereby, and that their personal data will be made public on the website referred to in paragraph 1 under the conditions set out in this Article. The Authorising Officer of the European Parliament, in application of Article ~~1511~~ of Regulation (EU) ~~2018/1725~~ ~~(EC) No 45/2001~~, shall include the same information in calls for contributions or proposals as referred to in Article ~~2118~~(1) of this Regulation.

Article ~~3733~~

Protection of personal data

1. In processing personal data pursuant to this Regulation, the Authority, the European Parliament and the committee of independent eminent persons ~~established by~~ ~~☒~~ referred to in ~~☒~~ Article ~~1411~~ shall comply with Regulation ~~(EC) No 45/2001~~ ~~(EU) 2018/1725~~. For the purposes of the

processing of personal data, they shall be considered data controllers in accordance with ~~point (d) of Article 23, point (8),~~ of that Regulation.

2. In processing personal data pursuant to this Regulation, European political parties and European political foundations, Member States when exercising control over aspects relating to the financing of European political parties and European political foundations in accordance with Article 27~~24~~, and the independent bodies or experts authorised to audit accounts in accordance with Article 26~~23~~(1) shall comply with Regulation (EU) 2016/679~~Directive 95/46/EC~~ and with the national provisions adopted pursuant thereto. For the purposes of the processing of personal data, they shall be considered data controllers in accordance with Article 4, point (7d) of Article 24 of that Directive~~Regulation~~.
3. The Authority, the European Parliament and the committee of independent eminent persons ~~established by~~ referred to in Article 14~~11~~ shall ensure that personal data collected by them pursuant to this Regulation are not used for any purpose other than to ensure the legality, regularity and transparency of the funding of European political parties and European political foundations and the membership of European political parties. They shall erase all personal data collected for that purpose at the latest 24 months after the publication of the relevant parts in accordance with Article 36~~32~~.
4. The Member States and independent bodies or experts authorised to audit accounts shall use the personal data they receive only in order to exercise control over the financing of European political parties and European political foundations. They shall erase those personal data in accordance with applicable national law after transmission pursuant to Article 32~~28~~.
5. Personal data may be retained beyond the time limits laid down in paragraph 3 or provided for by the applicable national law as referred to in paragraph 4 where such retention is necessary for the purposes of legal or administrative proceedings relating to the funding of a European political party or a European political foundation or the membership of a European political party. All such personal data shall be erased at the latest one week after the date of conclusion of the said proceedings by a final decision, or after any audits, appeals, litigation or claims have been disposed of.
6. The data controllers referred to in paragraphs 1 and 2 shall implement appropriate technical and organisational measures to protect personal data against accidental or unlawful destruction, accidental loss, alteration or unauthorised disclosure or access, in particular where the processing

of such data involves their transmission over a network, and against all other unlawful forms of processing.

7. The European Data Protection Supervisor shall be responsible for monitoring and ensuring that the Authority, the European Parliament and the committee of independent eminent persons ~~established by~~ referred to in Article ~~1411~~ respect and protect the fundamental rights and freedoms of natural persons in the processing of personal data pursuant to this Regulation. Without prejudice to any judicial remedy, any data subject may lodge a complaint with the European Data Protection Supervisor if they ~~he or she~~ consider that their ~~his or her~~ right to the protection of ~~his or her~~ their personal data has been infringed as a result of the processing thereof by the Authority, the European Parliament or the committee.
8. European political parties and European political foundations, the Member States and the independent bodies or experts authorised to audit accounts under this Regulation shall be liable in accordance with applicable national law for any damage they cause in the processing of personal data pursuant to this Regulation. The Member States shall ensure that effective, proportionate and dissuasive sanctions are applied for infringements of this Regulation, of Regulation (EU) 2016/679~~Directive 95/46/EC~~ and of the national provisions adopted pursuant thereto, and in particular for the fraudulent use of personal data.

<p>↓ 2018/673 Art. 1.13</p>

Article ~~3834~~

Right to be heard

Before the Authority or the Authorising Officer of the European Parliament takes a decision which may adversely affect the rights of a European political party, a European political foundation, an applicant as referred to in Article ~~98~~ or a natural person as referred to in Article ~~3127a~~, it shall hear the representatives of the European political party, European political foundation or applicant, or the natural person concerned. The Authority or the European Parliament shall duly state the reasons for its decision.

↓ 1141/2014 (adapted)

⇒ new

Article ~~39~~³⁵

Right of appeal

Decisions taken pursuant to this Regulation may be the subject of court proceedings before the Court of Justice of the European Union, in accordance with the relevant provisions of the TFEU.

Article ~~40~~³⁶

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. [The power to adopt delegated acts referred to in ⇒ Article 5 (2) and (4), ⇐ Article ~~87~~⁸⁷(2) and Article ~~98~~⁹⁸(3) shall be conferred on the Commission for a ⇒ an undetermined ⇐ period of ~~five years~~ ^{time} ~~from 24 November 2014~~ ⇒ [date of entry into force of the Regulation] ⇐ . ~~The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.~~]
3. [The delegation of power referred to in ⇒ Article 5(2) and (4), ⇐ Article ~~87~~⁸⁷(2) and Article ~~98~~⁹⁸(3) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.]
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
54. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

~~65.~~ [A delegated act adopted pursuant to \Rightarrow Article 5 (2) or (4), \Leftarrow Article ~~87~~(2) ~~and~~ \boxtimes or \boxtimes Article ~~98~~(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.]

Article ~~41~~~~37~~

Committee procedure

1. The Commission shall be assisted by ~~a committee~~ \boxtimes the ... [name of the committee] established by ... [reference to the legal act which created the committee] \boxtimes . That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

↓ 2018/673 Art. 1.14 (adapted)

\Rightarrow new

Article ~~42~~~~38~~

Evaluation

The European Parliament shall, after consulting the Authority, publish by \Rightarrow [one year after the elections to the European Parliament] \Leftarrow ~~31 December 2021 and every five years thereafter~~ a report on the application of this Regulation and on the activities funded. The report shall indicate, where appropriate, possible amendments to be made to the statute and funding systems.

No more than ~~six months~~ \Rightarrow one year \Leftarrow after the publication of the report by the European Parliament, the Commission shall present a report on the application of this Regulation \Rightarrow accompanied, if appropriate, by a proposal to amend this Regulation. \Leftarrow \boxtimes The Commission's report shall pay \boxtimes ~~in which~~ particular attention ~~will be paid to its~~ \boxtimes the \boxtimes implications \boxtimes of this Regulation \boxtimes for the position of small European political parties and European political foundations. ~~The report shall, if appropriate, be accompanied by a legislative proposal to amend this Regulation.~~ \Rightarrow [However, the Commission's report shall not cover the evaluation of the requirements for political advertising set out

in this Regulation, which shall be part of the report referred to in Article 19 of Regulation 2022/xx [on the transparency and targeting of political advertising].] ↵

↓ 1141/2014 (adapted)

Article ~~43~~39

Effective application

Member States shall make such provision as is appropriate to ensure the effective application of this Regulation.

~~Article 40~~

Repeal

~~Regulation (EC) No 2004/2003 is repealed with effect from the date of entry into force of this Regulation. It shall however continue to apply as regards acts and commitments relating to the funding of political parties and political foundations at European level for the 2014, 2015, 2016 and 2017 budget years.~~

↓ 2018/673 Art. 1.15

Article ~~44~~40a

Transitional provision

~~1. The provisions of this Regulation applicable prior to 4 May 2018 shall continue to apply as regards acts and commitments relating to the funding of European political parties and European political foundations at European level for the financial year 2018.~~

~~2. By way of derogation from Article 18(2a), the Authorising Officer of the European Parliament shall, before deciding on an application on funding for the financial year 2019, request the evidence referred to in Article 18(2a) only for a period from 5 July 2018.~~

~~3. European political parties registered before 4 May 2018 shall, at the latest by 5 July 2018, submit documents proving that they satisfy the conditions laid down in points (b) and (ba) of Article 3(1).~~

~~4. The Authority shall remove a European political party and its affiliated European political foundation from the Register where the party in question fails to prove within the period of time set out in paragraph 3 that it meets the conditions laid down in points (b) and (ba) of Article 3(1).~~

↓ new

1. [By way of derogation from Article 5(4), until [five years after the entry into force of this Regulation], the report on the implementation of the policy for the use of political advertising shall cover the political advertisements published by the European political party from [the date of entry into force of this Regulation]. The first report shall be prepared by [one year after the entry into force of this Regulation].]
2. [Regarding the applications for funding for the first financial year following the entry into force of this Regulation, the Authorising Officer of the European Parliament shall only request the evidence referred to in Article 21(4) and (5) for the 6 months period preceding the application.]
3. **The requirement, in Article 36(1), for documents or information to be made public in an open, machine readable format shall apply retroactively to all documents and information previously made public by the Authority and by the European Parliament under Regulation 1141/2014 and Regulation 2004/2003. This information shall be made public within six months of the entry into force of this Regulation.**

↓ 2018/673 Art. 1.15 (adapted)

Article 45

⊗ **Repeal** ⊗

⊗ Regulation (EU, Euratom) No 1141/2014 is repealed. ⊗

⊗ References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex IV. ⊗

↓ 1141/2014 (adapted)

Article ~~46~~

Entry into force and application

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

~~The Commission shall adopt delegated acts as referred to in Article 7(2) and in point (a) of Article 8(3) by no later than 1 July 2015.~~

~~This Regulation shall apply from 1 January 2017. The Authority referred to in Article 6 shall however be set up by 1 September 2016. European political parties and European political foundations registered after 1 January 2017 may only apply for funding under this Regulation for activities starting in the 2018 budget year or thereafter.~~