

Bulletin of Acts and Decrees of the Kingdom of The Netherlands

Year 2013

93

Law of 7 March 2013, regarding the rules concerning the subsidisation and supervision of the finances of political parties (Law on the financing of political parties)

We Beatrix, by the grace of God, Queen of The Netherlands, Princess of Orange-Nassau, etc., etc., etc.

Know all men by these presents:

That We have taken into consideration the desirability to draw up rules concerning the administration and disclosure of contributions to political parties;

Thus, after hearing the Counselling Department of the Council of State, and acting in concert with the Parliament, We have consented and understood, as We consent and understand hereby:

§ 1. General provisions

Article 1

In the present law and the provisions thereof, the following meanings apply:

- a. *Our Minister*: Our Minister for Home Affairs and Kingdom Relations;
- b. *political party*: an association which has participated, with the appellation registered pursuant to article G 1 or Q 6 of the Electoral law, on the top of the list of candidates, in the previously held election to the Second Chamber or the First Chamber of the Parliament, and whose list has been assigned at least one seat;
- c. *member of a political party*: member as described in article 7, section one;
- d. *member of a political youth organization*: member as described in article 3, section two;

- e. *branch of a political party*: local, regional or provincial organizational unit of a political party;
- f. *subsidiary institution*: political-scientific institute as described in article 2, a political youth organization as described in article 3, an institution for foreign activities as described in article 4 or a legal person as provided for in article 5;
- g. *subsidy*: subsidy as provided for in article 7;
- h. *contribution*: monetary contribution, other than subsidy, testamentary disposition or legacy or contribution in kind;
- i. *contribution in kind*: object or service rendered upon request of a political party and provided or accepted without any or with no proportionate compensation;
- j. *seat*: seat in the Second Chamber of the Parliament, or in the First Chamber of the Parliament in the case that, under the Electoral law, the list of a political party is assigned no seat in the Second Chamber, but instead a seat in the First Chamber of the Parliament;
- k. *reference date*: the first day of the calendar year.

Article 2

1. A political party may designate one political-scientific institute as a subsidiary institution. A political-scientific institute may not be designated by more than one political party and the institute shall accept the designation in writing. The party shall inform Our Minister, in writing, as to the designation and acceptance thereof by the institute.
2. In order that a political-scientific institute may be designated as a subsidiary institution, the institute is required to be a legal person which exclusively or principally carries out political-scientific activities for the benefit of the political party.

Article 3

1. A political party may designate one political youth organization as a subsidiary institution. A political youth organization may not be designated by more than one political party and the youth organization shall accept the designation in writing. The party shall inform Our Minister in writing, as to the designation and acceptance thereof by the youth organization, as referred to in section two (d).
2. Designation of a political youth organization as a subsidiary is subject to the following stipulations:
 - a. the organization shall be an association which exclusively or principally carries out activities aimed at promoting political participation by young people,

- b. the association shall have no less than one hundred members who are not younger than 14 years of age and not older than 27 years of age, and who pay an annual contribution fee of not less than 5 euros,
 - c. the members, as referred to in b, shall comprise at least two thirds of the number of members, and
 - d. the youth organization shall accept the designation as a youth organization by the political party in writing.
3. The membership shall be demonstrated by an explicit declaration of intent of the person involved.

Article 4

1. A political party may designate one institution for foreign activities as a subsidiary institution. An institution for foreign activities may not be designated by more than one political party and the institution must accept the designation in writing. The party shall inform Our Minister, in writing, as to the designation and acceptance thereof by the institution.

2. In order that an institution for foreign activities may be designated as a subsidiary institution, the institute is required to be a legal person which, exclusively or principally, carries out political-scientific activities aimed at the support of sister parties and organizations in countries other than The Netherlands in training and educational activities.

Article 5

1. Where a legal person is exclusively or principally aimed at carrying out activities or operations in a systematic or structural way for the benefit of a political party and the party clearly benefits from such, the party shall designate this legal person as a subsidiary institution.

2. A legal person may not be designated as a subsidiary institution by more than one political party and the legal person is required to accept the designation in writing. The party shall inform Our Minister in writing as to the designation and acceptance thereof by the legal person.

3. If a legal person, as provided for in section one, has been undesignated without justification, Our Minister shall designate the legal person as a subsidiary institution. Our Minister shall give the legal person and the political party opportunity to be heard before deciding on the designation.

Article 6

1. If a further political grouping is a member of a political party, the members of this political grouping shall be considered as members of said political party, insofar as this political grouping:

- a. has registered its designation on the basis of article G 1, G 2 or G 3 of the Electoral law;
- b. has obtained one or more seats in the previous elections held for at least one institution, for which its designation has been registered;
- c. is not independently eligible for a subsidy and
- d. has the approval of its members to be considered as a member of the political party.

2. The requirements mentioned in article 7, section one, shall apply mutatis mutandis to the membership of the members of the political grouping.

§ 2. The subsidy

Article 7

1. Our Minister shall grant a subsidy, after an application to that effect, to a political party where, on the reference date, said party has more than 1,000 members who have right of assembly and vote in the political party and who each pay an annual contribution fee of not less than 12 euros. The membership is to be demonstrated by an explicit declaration of intent of the persons involved.

2. The subsidy is granted for expenses directly related to the following activities:

- a. political training and educational activities;
- b. dissemination of information;
- c. maintaining contacts with sister parties in countries other than The Netherlands and supporting training and educational activities for the benefit of the supervisory staff of said parties;
- d. political-scientific activities;
- e. activities aimed at the promotion of the political participation of young people;
- f. member canvassing;
- g. involving non-members in activities of the political party;
- h. canvassing, selection and guidance of holders of political office;
- i. activities within the framework of election campaigns.

3. The subsidy is granted on a calendar year basis.

Article 8

1. The subsidy shall not exceed the sum of the following amounts:

- a. a base sum of 178,384 euros, a sum of 51,740 euros per seat held by the political party and a sum per member of the political party equal to 1,953,202 euros divided by the total number of members of the political parties who receive a subsidy on the reference date;
- b. where, on the reference date, the political party has designated a political-scientific institute as a subsidiary institution, as provided for in article 2, a base sum of 125,287 euros and a sum of 12,877 euros per seat held by the political party;
- c. where, on the reference date, the political party has designated a political youth organization as a subsidiary institution, as provided for in article 3, a sum per seat held by the political party and a sum per member of the political youth organization, calculated in accordance with section two;

d. where, on the reference date, the political party has designated an institution for foreign activities as a subsidiary institution, as provided for in article 4, a base sum and a sum per seat held by the political party, calculated in accordance with section three.

2. The sum per seat, as referred to in section one (c), is calculated by dividing 502,223 euros by the total number of seats held by the political parties which, on the reference date, have designated a political youth organization. The sum per member of the political youth organization is calculated by dividing 502,223 euros by the total number of members of all the designated political youth organizations.

3. The base sum, as referred to in section one (d), is calculated by dividing 615,000 euros by the total number of political parties which, on the reference date, have designated an institution for foreign activities. The sum per seat, as referred to in section one (d), is calculated by dividing 885,000 euros by the total number of seats held by political parties which, on the reference date, have designated an institution for foreign activities.

4. For the purposes of sections one to three, the reference date shall be taken as a starting point for the determination of the number of seats held by a political party, the number of members of a political party and the number of members of a political youth organization.

5. The amounts mentioned in sections one to three are to be reviewed on an annual basis on 1 January by ministerial decree, in accordance with the wage and price adjustments applied to the general state budget and rounded to the nearest whole number.

Article 9

1. The subsidy, referred to in article 8, section one (b) is granted only for those expenses of the designated political-scientific institute as are incurred for the purposes of political-scientific activities and on condition that the political party reimburses the political-scientific institute with no less than the amount granted to the political-scientific institute.

2. The subsidy, referred to in article 8, section one (c), is granted only for those expenses of the designated political youth organization as are incurred for the purposes of activities aimed at the promotion of political participation by young people and on condition that the party reimburses the political youth organization with no less than the amount granted to the political youth organization.

3. The subsidy, referred to in article 8, section one (d), is granted only for those expenses of the designated institution for foreign activities as are incurred for the purposes of activities aimed at supporting sister parties and organizations in countries other than

The Netherlands through training and educational activities, and on condition that the political party reimburses the institution for foreign activities with no less than the amount granted to the institution for foreign activities.

4. The political party shall not make the reimbursement referred in sections 1, 2 and 3 subject to any conditions other than those resulting from the application of the present law.

Article 10

1. In the event that, during the previously held election of the First or Second Chamber of the Parliament, political parties placed a combination of their registered designations, or acronyms thereof, at the top of the candidate list, notwithstanding article 8, section one, the base sums mentioned in said section shall apply jointly to these parties and such sums shall be divided proportionately to the number of seats held. To determine the number of seats held by the political parties involved, a declaration to that effect made by the political parties involved shall provide a starting point. In the absence of such a declaration, the base sums are divided proportionately according to the number of parties involved.

2. The distribution of the base sum for the political-scientific institute referred to in article 8, section one (b) shall take place only insofar as the political parties have designated a political-scientific institute. The distribution of the base sum for an institution for foreign activities as provided for in article 8, section one (d), shall take place only insofar as the political parties have designated an institution for foreign activities.

Article 11

1. The application for allocation of the subsidy, as well as for an advance on this subsidy by one calendar year, is to be submitted before 1 November of the preceding year at the office of Our Minister.

2. The application is to be accompanied by an activity plan, a budget, an estimate of the number of members of the political party on the reference date and, if applicable, of the designated political youth organization.

3. After an application to that effect, Our Minister shall grant an advance on the subsidy corresponding to 80% of the subsidy granted to the political party.

4. Our Minister shall grant the subsidy and the advance on the subsidy before 1 January of the corresponding calendar year.

5. In the event that Our Minister is unable to grant the subsidy or the advance within the period of time stated in section four, Our

Minister shall notify the political party in writing and indicate a reasonable period of time in which the decision may be taken.

6. By ministerial decree, it is possible to make demands as to the layout of the activity plan, the budget and the estimate of the number of members of the political party and of the designated political youth organization insofar as may be relevant for the allocation of the subsidy.

7. Articles 4:37 and 4:40 of the General Administrative Law do not apply.

Article 12

1. The application for the determination of the subsidy for a calendar year shall be submitted before 1 July of the subsequent calendar year at the office of Our Minister, accompanied by the financial report referred to in articles 25, section one (a), and 26, and the activity report, referred to in article 26 (e).

2. Our Minister shall determine the subsidy before 1 November.

3. In the event that Our Minister is unable to determine the subsidy before the date established in section two, Our Minister shall notify the political party in writing and indicate a reasonable period of time in which the decision may be taken.

4. In the event that, for the purposes of such determination, the audit report regarding the accuracy of the stated numbers of members, as referred to in article 26 (d), is not provided, the allocation of sums per member, as referred to in article 8, section one, shall be cancelled for the party concerned.

Article 13

1. In the event that, following an election of the First or Second Chamber of the Parliament, a political party increases the number of seats on which the subsidy is based, Our Minister shall adjust the subsidy granted to the political party by virtue of his office as from the first day of the fourth calendar month following the date on which the election took place.

2. For the purposes of section one, the amounts calculated pursuant to article 8 remain unchanged.

Article 14

In the event that, following an election of the First or Second Chamber of the Parliament a political party receiving a subsidy is not allocated any seats or is allocated a lower number of seats, Our Minister shall adjust the subsidy granted by virtue of his office as from the first day of the fourth calendar month following the date on which the election took place.

2. For the purposes of section one, the amounts calculated pursuant to article 8 remain unchanged.

Article 15

1. In the event that, following an election of the First or Second Chamber of the Parliament, one or more seats are allocated to the list of a political party to which no seats were allocated during the preceding election, the party concerned shall become eligible for a subsidy as from the first day of the third calendar month prior to the month when the election took place. For said political party the reference date, notwithstanding article 1, section (k), shall be the first day of the calendar month subsequent to the month when the election took place.

2. The application for allocation of the subsidy and an advance on said subsidy shall be submitted without delay and at the latest within four months following the reference date, as referred to in section one. Article 11 shall apply, with the provision that Our Minister grants the subsidy and the advance on the subsidy within two months following receipt of the application.

3. The amounts calculated on the basis of article 8 as regards the application referred to sections one and two remain unchanged.

4. Subsidies granted on the basis of the present article may be applied to the expenses referred to in article 7, related to activities which took place in the period starting on the first day of the sixth month prior to the month when the election took place.

Article 16

1. In the event that a fraction of a political party in the Second Chamber of the Parliament is divided and a new fraction which originates as a consequence thereof is linked to an association whose appellation is registered in the appellation registry for the election of members of the Second Chamber of the Parliament pursuant to article G 1 of the Electoral law, said association shall be designated as a political party pursuant to article 1 (b), and said association shall be eligible for a subsidy as a political party as from the first calendar year following the year in which the division occurred. The connection with the political party must be demonstrated by a joint declaration of the new fraction and the party.

2. In the event that the political party, as referred to in section one, has submitted an application for allocation of the subsidy, the base sums as referred to in article 8, section one, are to be divided in proportion to the seats held by the fractions involved. In order to determine the number of seats held by the fractions involved, a declaration to that effect by the president of the

Second Chamber of the Parliament shall be taken as a starting point.

3. In the event that all the members of a fraction form a new fraction, for the purposes of applying the present article, this is to be regarded as a division of a fraction.

4. In the event that a political party, pursuant to the present article, has been granted a subsidy following division of a fraction during the calendar year in which the election of the First or Second Chamber of the Parliament takes place, said political party, for the purposes of applying the present paragraph and notwithstanding article 15, is treated as a political party to which seats were allocated during the preceding election.

Article 17

Article 16 shall apply *mutatis mutandis* if a fraction of a political party in the First Chamber of the Parliament is divided and this political party is granted a subsidy on the basis of seats in the First Chamber of the Parliament.

Article 18

If two or more political parties receiving a subsidy are merged into a new association, this new association shall be eligible for a subsidy as a political party as from the next calendar year, with the simultaneous withdrawal of the subsidy as granted to the merged parties.

Article 19

On an annual basis, Our Minister shall send a summary to the Parliament of the subsidies granted to political parties. A report as provided for in article 4:24 of the General Administrative Law Act may be omitted.

§ 3. Administration, disclosure and limitation of contributions

Article 20

1. A political party shall keep records in such a way that gives a reliable view of the financial position of the party, by including:
 - a. subsidies received;
 - b. contributions received;
 - c. other revenues;
 - d. the balance of assets;
 - e. the debts of the political party.

2. The political party shall maintain its records and corresponding documents for a period of ten years.

Article 21

1. A political party shall keep record of the following data in respect of contributions received:
 - a. the name and address of the donor;
 - b. the sum or value of the contribution;
 - c. the date of the contribution.
2. Notwithstanding section one, records of the following may be omitted:
 - a. contributions which do not exceed 1,000 euros;
 - b. contributions of subsidiary institutions of the party.
3. Political parties shall register the following data as regards the debts of the party:
 - a. the name and address of the creditor or lender and, if applicable, the data of the institution;
 - b. the amount of the debt.
4. By ministerial decree, rules may be established regarding the data to be registered pursuant to section three.

Article 22

1. A contribution in kind is to be valued according to the difference between the usual value of the delivered good in the course of trade and any value provided in return.
2. For the purposes of applying the present law, contributions consisting of personal labour or activities of members of the political party are not considered as contributions in kind.
3. By or by virtue of an order in council it is possible to establish which goods or services may, in any case, be considered as a contribution in kind, and rules may be established as regards the method of determining the financial value of contributions in kind.

Article 23

1. If a political party receives an anonymous monetary contribution exceeding 1,000 euros, the portion exceeding the amount of 1,000 euros shall be transferred to the account of Our Minister designated for such purpose. If a political party receives an anonymous contribution in kind exceeding 1,000 euros, the portion or the counter-value exceeding the amount of 1,000 euros shall be transferred to Our Minister, or the contribution shall be destroyed.

2. A monetary contribution or counter-value of a contribution in kind transferred pursuant to section one shall accrue to the State.

Article 24

Articles 20 to 23 do not apply not to the branches of political parties.

Article 25

1. Prior to 1 July of each calendar year, a political party shall send the following to Our Minister:
 - a. a financial report covering the preceding calendar year, comprising the data included in the records pursuant to article 20;
 - b. a summary of contributions of 4,500 euros or more per donor and received by the party in that calendar year, with the data registered pursuant to article 21, section one;
 - c. a summary of debts of 25,000 euros or more, with the data registered pursuant to article 21, section three, and
 - d. the written declaration of the auditor, as referred to in section three.
2. Political parties shall contract an auditor to examine the financial report, as provided for in article 393, section one, of Book 2 of the Dutch Civil Code. The auditor shall examine whether the financial report and the overviews, mentioned in section one (b, c) comply with the regulations stipulated by or by virtue of the law.
3. The auditor shall transmit the result of his examination in a written statement regarding the conformity of the financial report and the overviews, mentioned in the section one (b and c).
4. Financial report provided to Our Minister are public.
5. Our Minister shall disclose the overviews, mentioned in section one (b and c), in each case by publication in the Government Gazette. With regard to the addresses of natural persons, only the place of residence shall be disclosed. At the request of a political party, in the overview, mentioned in section one (b), disclosure of data identifying the name and place of residence of the donor, being a natural person, shall be omitted where, in the opinion of Our Minister, such omission is appropriate in order to protect the safety of the person.
6. The Government Information (Public Access) Act shall not apply to the information provided to Our Minister regarding contributions to political parties.

Article 26

If a subsidy is granted to a political party, the following shall apply:

- a. the records referred to in article 20 shall also include data relevant to the determination of the subsidy in terms of the number of members of the political party and, if applicable, the designated political youth organization;
- b. the records referred to in article 20 shall be organized in such a way that the rights and obligations relevant for the determination of the subsidy, as well as the revenues and expenditures may be assessed at all times;
- c. the records, referred to in article 25, section one (a), following the standards which are considered appropriate in civil life, shall also comprise an account of the revenues and expenditures with corresponding explanations as are relevant to the determination of the subsidy;
- d. the records shall also comprise a statement of data relevant to the determination of the subsidy regarding the number of members of the political party and, if applicable, of the designated political youth organization;
- e. the records shall be accompanied by an activity report;
- f. the audit report, referred to in article 25, section three, shall also concern the conformity of the activity report with the financial report;
- g. the audit report, referred to in article 25, section three, shall also concern the appropriateness of the expenditure of the subsidy and
- h. the audit report, referred to in article 25, section three, shall also concern compliance with the obligations associated with the subsidy and the accuracy of the stated numbers of members of the political party and, if applicable, of the designated political youth organization.

Article 27

1. By ministerial decree requirements may be established as regards the organization of the financial report, the activity report, the statement of the numbers of members of the political party and of the designated political youth organization, as well as regards the overview mentioned in article 25, section one (b and c).
2. By ministerial decree rules may be established as regards the scope, detail and disclosure of the examination referred to in the articles 25, sections two and three, and 26 (f to h).
3. The political party shall cooperate in the examinations conducted by the auditor or audit division designated for that purpose by Our Minister.
4. The political party shall ensure that the auditor, referred to in article 25, section two, cooperates in the examinations of its

activities, as conducted by the auditor or audit division designated for that purpose by Our Minister.

5. Sections three and four apply mutatis mutandis to examinations by the Netherlands Court of Auditors.

Article 28

1. Without prejudice to article 25, political parties participating in an election of the Second Chamber of the Parliament between the twenty-first and the fourteenth day preceding the day on which the voting of said election takes place, shall, on an annual basis, provide Our Minister with a summary of:

a. contributions totalling 4,500 euros or more which the party has received in a calendar year from any one donor, accompanied by the data registered pursuant to article 21, section one;

b. debts totalling 25,000 euros or more, accompanied by the data registered pursuant to article 21, section three.

2. The overview shall comprise the contributions and debts referred to in section one in respect of the period starting on 1 January of the calendar year prior to the year in which voting takes place and ending on the twenty-first day before the day of the voting.

3. Our Minister shall disclose the overview without delay and no later than the seventh day before the day of the voting. Our Minister shall disclose the overview, in each case through disclosure in the Government Gazette. With regard to the addresses of natural persons, only the place of residence shall be disclosed. At the request of a political party, in the overview, mentioned in section one (a), disclosure of data identifying the name and place of residence of the donor, where a natural person, shall be omitted, if, in the opinion of Our Minister, such omission is appropriate to protect the safety of said person. Article 25, section six, shall apply mutatis mutandis.

Article 29

1. If a candidate appearing on a list of candidates of a political party participating in an election of the Second Chamber of the Parliament has received contributions from a donor in one calendar year totalling 4,500 euros or more, the party shall provide Our Minister, between the twenty-first and fourteenth day preceding the day of the voting for this election, with a summary of said contributions, including the data referred to in article 21, section one. Article 23 shall apply, mutatis mutandis, to candidate contributions.

2. The overview shall include candidate contributions which have been received in the period starting on 1 January of the second calendar year prior to the year when the voting takes place and ending on the twenty-first day before the day of the voting.
3. Without prejudice to article 1 (h and i) and for the purposes of applying the present article, candidate contributions means a contribution made to benefit political activities or activities within the framework of the candidate's election campaign.
4. Our Minister shall disclose the overview without delay and no later than the seventh day before the day of the voting. Our Minister shall disclose the overview, through publication in the Government Gazette. With regard to the addresses of natural persons, only the place of residence shall be disclosed. At the request of a political party, disclosure of the donor's name and place of residence, where a natural person, shall be omitted, if, in the opinion of Our Minister, such omission is appropriate to protect the safety of said person. Article 25, section six, shall apply mutatis mutandis.
5. The candidates shall provide the political party with the necessary data.
6. If this article is applicable to a candidate only during a part of the calendar year, the amount stated in section one shall be applied proportionately.

§ 4. Broadened application

Article 30

1. Articles 21 and 23 shall apply mutatis mutandis to subsidiary institutions of political parties.
2. Prior to 1 July of each calendar year, subsidiary institutions of political parties shall send a summary of the following to Our Minister:
 - a. contributions totalling 4,500 euros or more which have been received from a donor in the preceding calendar year, including the data registered pursuant to article 21, section one.
 - b. debts totalling 25,000 euros or more, including the data registered pursuant to article 21, section three.
3. For the purposes of article 21, section one and two, registration of contributions from the political party may be omitted.
4. Our Minister shall disclose the overview, in each case through publication in the Government Gazette. With regard to the addresses of natural persons, only the place of residence shall be disclosed. At the request of a political party, in the overview, mentioned in section one (a), disclosure of the donor's name and place of residence, where a natural person, may be omitted, if, in the opinion of Our Minister, such omission is appropriate to

protect the safety of said person. Article 25, section six, shall apply mutatis mutandis.

5. In the event that a political party is granted a subsidy for a political-scientific institute or a political youth organization, article 20 shall apply to these subsidiary institutions mutatis mutandis.

Article 31

1. Articles 21, 23 and 28 shall apply mutatis mutandis to associations participating in an election of the Second Chamber of the Parliament where their appellation is registered in the appellation registry for the election of members of the Second Chamber of the Parliament pursuant to article G 1 of the Electoral law and where the association was not assigned any seats in the previously held election, for the period starting on 1 January of the second calendar year prior to the year when the candidacy for this election was submitted and ending on the day of the election.

2. Article 29 shall apply, mutatis mutandis, to contributions to candidates placed on the candidate list of the association.

3. The association shall provide Our Minister with the overview.

Article 32

1. In the event that a candidate who, participating in an election to the Second Chamber of the Parliament, has no political party designation on top of the candidate list where he appears, has received contributions from a donor totalling 4,500 euros or more in a calendar year, the candidate whose name appears at the top of the list shall provide Our Minister, between the twenty-first and the fourteenth day preceding the day of the voting for this election, with a summary of these contributions, including the data stipulated in article 21, section one. Article 23 shall apply, mutatis mutandis, to candidate contributions.

2. The overview shall contain the contributions received in the period starting on 1 January of the second calendar year prior to the year when the voting takes place and ending on the twenty-first day before the voting.

3. Without prejudice to article 1 (h and i) and for the purposes of applying the present article, candidate contributions means a contribution made to benefit political activities or activities within the framework of the candidate's election campaign.

4. Our Minister shall disclose the overview without delay and no later than the seventh day before the day of the voting. Our Minister shall disclose the overview, through publication in the Government Gazette. With regard to the addresses of natural persons, only the place of residence shall be disclosed. At the

request of a political party in the overview, mentioned in section one (a), disclosure of the donor's name and place of residence, where a natural person, shall be omitted, if, in the opinion of Our Minister, such omission is appropriate to protect the safety of said person. Article 25, section six, shall apply mutatis mutandis

Article 33

1. In the event that a fraction of a political party in the Second Chamber of the Parliament is divided and a new fraction which originates as a consequence thereof, as appears from the joint declaration referred to in article 16, section one, is linked to an association, as provided for in said article, such association, as a political party and starting from the first calendar year after the year when the division took place shall be subject to the application, mutatis mutandis, of paragraphs 3, 4 and 5.

2. Section one shall apply mutatis mutandis in the event that a fraction in the First Chamber of the Parliament is divided and a new fraction which originates as a consequence thereof, by application of article 17 is linked to an association as provided for in said article.

Article 34

1. In the case that an association, on the basis of article G 1, G 2, G 3 or Q 6 of the Electoral law, or an association or foundation, pursuant to article 19 of the Water Boards Act, participated with its registered designation on top of the candidate list in the previously held election of the Second Chamber of the Parliament, the First Chamber of the Parliament, provincial council, municipal council, district council, as provided for in article 87, section two, of the Municipalities Act, or the general management of a water regulation authority, where at least one seat in the body for which the election took place has been allocated to said list and where the association is not a division of a political party, said association or foundation shall draw up a regulation to govern donations, stipulating the way it handles contributions and undertaking their disclosure. The regulation to govern donations is to be made public.

2. The donations regulation of a political party shall apply mutatis mutandis to its branches.

§ 4a. Supervisory committee on the finances of political parties

Article 35

1. There shall be a supervisory committee on the finances of political parties, hereinafter referred to as: the committee.
2. The committee shall consist of three members. The members are appointed by Our Minister for a maximum period of four years. Members of the committee may be re-appointed a maximum of two times and for a maximum period of four years on each occasion.
3. The duty of the committee is to counsel Our Minister regarding the application of:
 - a. article 5, section three;
 - b. article 25, section five (3), article 28, section three (4), article 29, section four (4), article 30, section four (3) and article 32, section four (4), and
 - c. article 37, section one.
4. The committee, for the purposes of the task referred to in section three (c) may counsel Our Minister as regards overseeing compliance with the present law.
5. Our Minister shall make available to the committee such data as may be necessary for the proper fulfilment of its duties, whether or not such data is requested.
6. Rules governing the procedure of the committee may be established by or by virtue of an order in council.

§ 5. Supervision and sanctions

Article 36

1. The supervision of compliance with the terms established by or by virtue of articles 20, 21, 23, 25, 26, 27, sections three and four, 28, 29, 30, 31, 32 and 33, shall be incumbent upon such persons as are designated by order of Our Minister.
2. The supervisors are not granted the powers mentioned in articles 5:18 and 5:19 of the General Administrative Law Act.
3. Notice of decisions taken pursuant to section one shall be provided through publication in the Government Gazette.

Article 37

1. Our Minister may determine to impose an administrative penalty in respect of any act or omission which is in breach of that established by or by virtue of articles 20, section one, preamble and under b and (e), 21, sections one and three, 23, section one, 25, section one, preamble and under a, b, c and d, section two, 27, sections three and four, 28, section one, preamble and under a and b, and section two, 29, sections one, two and five, 30, section one or two, preamble and under a and b, 31, sections

one, two and three, 32, section one or two, and 33, section one or two.

2. In section one, articles 30, 31, 32 and 33 are to be taken in connection with the provisions applied *mutatis mutandis* in these articles.

3. Fines may be imposed on the political party, the subsidiary institution, the association, referred to in article 31, or on the candidate, referred to in article 32.

4. In respect of any act or omission which is in breach of one of the article sections or parts thereof mentioned in section one, the fine applied shall be of a maximum of 25,000 euros.

5. No administrative penalty shall be imposed in respect of any act or omission by associations, as provided for in article 31, where perpetrated before the day of the registration of the designation, referred to in article 31.

6. No administrative penalty shall be imposed for any act or omission, as referred to in section one, by candidates as provided for in article 32, if perpetrated before the day of the candidacy for the election, referred to in article 32.

7. Rules governing the amount of the penalties to be imposed may be established by an order in council

8. The amount of the penalty shall accrue to the State.

9. If a political party receives a subsidy, Our Minister may compensate a penalty imposed on the party with the subsidy.

10. If a political party pays an amount to a subsidiary institution pursuant to article 11, Our Minister may compensate a penalty imposed on the subsidiary institution with the subsidy received by the party for the benefit of said subsidiary institution.

Article 38

If Our Minister, in pursuance of his office, on the basis of this law encounters possible offences, he shall notify the public prosecutor to this end.

Article 39

1. Where a political party, is sentenced, on the basis of articles 137c, d, e, f, or g, or article 429 (4) of the Dutch Criminal Code, to pay a monetary fine, entitlement to any subsidy shall be cancelled *ipso iure* during a period starting on the day when the conviction becomes irrevocable. Said period shall be:

- a. one year, if the monetary fine is less than 1,125 euros;
- b. two years, if the monetary fine is 1,125 euros or more but less than 2,250 euros;
- c. three years, if the monetary fine is 2,250 euros or more but less than 3,375 euros, and
- d. four years, if the monetary fine is 3,375 euros or more.

2. If a political party is convicted for a terrorist offence as provided for in article 83 of the Dutch Criminal Code, entitlement to any subsidy shall be cancelled *ipso iure* for a period of four years starting on the day when the conviction becomes irrevocable.

3. If an association, on the day when the conviction, as provided for in section one or two, becomes irrevocable, is not eligible for a subsidy and this association, within a period of two years after this day, becomes eligible for a subsidy as a political party, its entitlement to a subsidy shall be cancelled *ipso iure* starting on the day when the party becomes eligible for a subsidy, for the period, as referred to in the section one or two.

§ 6. Amending provisions

Article 40

The 2008 Media Act is amended as follows:

A. Article 1.1, section one, where it reads:

political party: political party as provided for in article 1, part b, of the Law on the subsidisation of political parties; shall be amended to read:

political party: a political party as provided for in article 1, part b, of the Law on the financing of political parties.

B. While renumbering paragraphs two to three, a new paragraph is inserted in Article 6.2, which states

2. If a political party is convicted for a terrorist offence, as provided for in article 83 of the Dutch Criminal Code, the Commissioner, notwithstanding article 6.1, section one or two, shall not allocate any hours to this political party for a period of four years starting on the day when the conviction becomes irrevocable.

§ 7. Transitional and final provisions

Article 41

The law on the subsidisation of political parties is repealed.

Article 42

1. Applications for the allocation of subsidies submitted on the basis of the law on the subsidisation of political parties in respect of the calendar year prior to the entry into force of paragraph 2 of the Law on the financing of political parties shall be handled by Our Minister with application of the Law on the subsidisation of political parties.

2. Applications for the allocation of subsidies submitted on the basis of the law on subsidisation of political parties, in respect of the calendar year following the entry into force of paragraph 2 of the Law on the financing of political parties, shall be handled by Our Minister with application of said paragraph.

3. Where, on the basis of article 46, it is provided by Royal Decree that paragraph 2 shall enter into force at a later point in time, applications for the granting of a subsidy shall be handled, until said later point in time, by Our Minister with application of Law on the subsidisation of political parties.

4. Disputes and objections and appeal procedures regarding application of the Law on the subsidisation of political parties as are ongoing on the date of entry into force of paragraph 2 of the present law shall be settled by Our Minister with application of said law.

Article 43

The amounts, mentioned in article 8, section one, parts a, b and c, and section two, are amended with regard to the calendar years 2011 to 2015, subsequent to application of article 8, section four, as a result of the following calculation:

- a. as from 1 January 2011, to be reduced by 1.39%;
- b. as from 1 January 2012, to be reduced by 1.5%;
- c. as from 1 January 2013, to be reduced by 1.5%;
- d. as from 1 January 2014, to be reduced by 1.5%;
- e. as from 1 January 2015, to be reduced by 1.5%.

Article 44

The obligation, referred to in articles 25, 28 and 29, is not applicable to contributions received and debts incurred prior to the date of entry into force of the present law.

Article 45

Within five years following the entry into force of the present law, Our Minister shall send a report to Parliament on the effectiveness and the effects of paragraphs 3, 4 and 5 of the present law in practice.

Article 46

The articles of this law shall enter into force on a date to be established by royal decree, which may differ for the different articles or parts thereof.

Article 47

This law is quoted as: Law on the financing of political parties.
We hereby order that this law be published in the Bulletin of Acts and Decrees and that all Ministries, authorities, tribunals and officials involved, see to the accurate execution hereof.

The Hague, 7 March 2013

Beatrix

The Minister for Home Affairs and Kingdom Relations,
R. H. A. Plasterk

Issued on the fifteenth of March, 2013

The Minister of Security and Justice,
I. W. Opstelten

Table of correlation relative to bill 32 752**Rules governing the subsidisation and supervision of the finances of political parties (Law on the financing of political parties)**

Old		New
1 to 3		1 to 3
3a	(L/A no. 8)	4
4		5
5		6
7		8
8		9
9		10
10		11
11		12
12		13
13		14
14		15
15		16
16		17
17		18
18		19
19		20
20		21
21		22
22		23
23		24
24		25
25		26
26		27
27		28
28		29
29		30
30		31
31		32
32		33
32a	(amt.no. 23)	34
32a	(L/A n1 25)	35
33		36
34		37
35		38
36		39
37		40
38		41
39		42
40		43
41		44
42		45
43		46
44		47
