



EUROPEAN COMMISSION

Brussels, 25.7.2013
C(2013) 4867 final

Dear President,

The Commission would like to thank the Camera Deputaților for its Opinion concerning the proposal for a Regulation on the statute and funding of European political parties and foundations {COM(2012) 499 final}.

The Commission welcomes this positive opinion and in particular the clear support expressed by the Camera Deputaților for the introduction of a European legal statute for European political parties and foundations, and for flexible funding modalities balanced by a strong penalty regime.

The Camera Deputaților nevertheless raises a number of points to which the Commission wishes to provide the following considerations.

- 1) The Camera Deputaților considers that it would be appropriate to allow European political parties to participate in campaigns for national referendums relating to the functioning of the EU. The Commission proposal maintains, in substance, the current rules, i.e. a prohibition for European political parties to finance national, regional or local referenda campaigns. This is a sensitive political issue which remains to be discussed by the co-legislators.*
- 2) The Camera Deputaților pleads for an independent decision-making mechanism for the procedures relating to the registration, verification, penalties and appeals, so that such decisions are not left entirely to the European Parliament. Current discussions in the trilogue meetings are evolving along these lines, with the view to ensure neutrality and impartiality of, in particular, decisions to register or de-register European political parties and foundations.*
- 3) The introduction of a strong penalty regime is an important feature of the Commission's proposal and aims to ensure a credible system. The Court of Auditors recommended the Regulation to foresee a less discretionary approach for the decision-making, especially for irregularities related to donations and contributions, which could possibly lead to further*

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detail the scale of sanctions and fines referred to in Article 22¹. This is an issue to be carefully looked at in the context of the legislative work.

4) The Commission takes note of the proposal for greater detail concerning the statutes of European political parties or foundations and for early verification in case of amendments of the statutes. The Commission considers however that its proposal constitutes a good balance and that it would be excessive to regulate all details of European political party and foundation statutes at EU level. Therefore, on some aspects such as internal party democracy, the intention of the Commission is to ensure that European political parties include rules in their statutes, so that they are made transparent for the general public, rather than imposing prescriptive obligations. The pursuance of gender balance in internal representation of European political parties, as proposed by the EP committee on constitutional affairs², belongs to that category. Moreover, in accordance with Article 6(6) of the proposed Regulation, any amendments to the statutes shall be notified to the European Parliament within four weeks, which allows for early verification irrespective of the annual verification foreseen in Article 7.

5) The Commission proposal explicitly recognises that European political foundations can be active in third countries i.a. to promote democracy. Though the activities of European political foundations outside the EU are expected to be rather marginal, the European External Action Service has been involved in the context of adopting the proposal.

6) The Commission proposal introduces a provision on non-discriminatory tax treatment of donations and donors (Article 16), which is part of the measures aiming at encouraging the development of own resources of European political parties and foundations. The objective of this measure is to ensure that any beneficial tax treatment to donations made to domestic political parties or foundations and their donors is automatically available to European political parties or foundations and their donors..

The Commission hopes that these clarifications address the issues raised by the Camera Deputaților and looks forward to continuing our political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*

¹ Opinion No 1/2013 of the European Court of Auditors concerning the draft Regulation on a statute and funding of European political parties and foundations and the draft amendment to the Financial Regulation.

² AFCO report adopted on 15 April 2013.