

Issuer:	Riigikogu
Type:	act
In force from:	07.07.2012
In force until:	31.03.2013
Translation published:	02.06.2014

## Political Parties Act

Passed 11.05.1994  
RT I 1994, 40, 654  
Entry into force 16.06.1994

Amended by the following acts

Passed	Published	Entry into force
16.05.1996	RT I 1996, 37, 739	08.06.1996
06.06.1996	RT I 1996, 42, 811	01.10.1996
17.06.1998	RT I 1998, 59, 941	10.07.1998
17.02.1999	RT I 1999, 27, 393	01.07.1999
29.01.2002	RT I 2002, 21, 117	04.03.2002
13.03.2002	RT I 2002, 29, 174	01.07.2002
07.05.2002	RT I 2002, 42, 264	24.05.2002
12.06.2002	RT I 2002, 57, 355	18.07.2002
03.12.2002	RT I 2002, 102, 602	01.01.2003
18.12.2002	RT I 2003, 4, 22	23.01.2003
18.12.2003	RT I 2003, 90, 601	01.01.2004, in part 01.01.2008
28.06.2005	RT I 2005, 47, 387	18.09.2005
12.10.2005	RT I 2005, 57, 450	01.01.2006
11.10.2006	RT I 2006, 48, 357	18.11.2006
09.11.2006	RT I 2006, 52, 384	10.12.2006
24.01.2007	RT I 2007, 12, 66	01.01.2008
14.02.2007	RT I 2007, 24, 126	01.07.2007
29.10.2009	RT I 2009, 54, 363	01.01.2010
26.11.2009	RT I 2009, 62, 405	01.01.2010
27.01.2010	RT I 2010, 9, 41	08.03.2010
22.04.2010	RT I 2010, 22, 108	01.01.2011, shall enter into force on the date specified in the decision of the Council of the European Union concerning abrogation of the derogation established with regard to the Republic of Estonia on the basis of Article 140 (2) of the Treaty on the Functioning of the European Union, Decision No. 2010/146/EU of the Council of the European Union of 13 July 2010 (OJ L 196, 28.07.2010, pp. 24-26).
19.05.2010	RT I 2010, 29, 150	01.01.2011
25.11.2010	RT I, 10.12.2010, 1	01.04.2011
08.12.2011	RT I, 29.12.2011, 1	01.01.2012
14.06.2012	RT I, 27.06.2012, 1	07.07.2012

## Chapter 1

# General Provisions

## § 1. Definition of political party

(1) A political party is a voluntary political association of Estonian citizens, which has been registered pursuant to the procedure provided for in this Act and the objective of which is to express the political interests of its members and supporters and to exercise state and local government authority.

(2) A political party shall be a non-profit association. The Non-profit Associations Act applies to political parties in so far as this Act does not provide otherwise.

[RT I 2003, 90, 601 - entry into force 01.01.2004]

## § 2. Means for achieving objectives of political party

(1) The means for achieving the objectives of a political party are:

1) the presentation of candidates and conduct of election campaigns of the political party in elections to the *Riigikogu* and the European Parliament and elections of councils of local authorities;

2) the participation of the political party in the activities of the *Riigikogu* through members of the political party elected to the *Riigikogu*; in the activities of the European Parliament through members of the political party elected to the European Parliament; in the activities of councils of local authorities through members of the political party elected to local authority councils; in the election of the President of the Republic, the formation of the Government of the Republic and the executive body of local authority councils through members of the political party elected to the *Riigikogu* and to the local authority council, respectively; and in international cooperation with political parties of foreign states.

(2) [Repealed - RT I 1996, 42, 811 – entry into force 01.10.1996]

## § 3. Principle of territoriality in formation of political parties

(1) Political parties shall be formed on the principle of territoriality. Political parties shall not found sub-units in institutions, enterprises or organisations.

(2) The directing bodies and structural units of political parties founded, registered and operating in Estonia shall be located within the territory under the jurisdiction of the Republic of Estonia. Structural units of political parties may also be located in a foreign state if this is not contrary to the laws of that state.

## § 4. Restrictions on activities of political parties

(1) Political parties whose objectives or activities are aimed at changing the constitutional order or territorial integrity of Estonia by force or are otherwise contrary to criminal law are prohibited.

(2) Organisations or alliances which possess weapons, are militarily organised or perform military exercises shall not operate as a political party or structural unit of a political party.

(3) Interference in the internal matters of a political party, except in special cases permitted by law, is prohibited.

(4) The formation and operation of political parties or their sub-units or of other political associations or their structural units of other states is prohibited within the territory under the jurisdiction of the Republic of Estonia.

## § 5. Members of political party

(1) An Estonian citizen who has active legal capacity and has attained 18 years of age may be a member of a political party. A citizen of the European Union who is not an Estonian citizen, but has permanent residence in Estonia, has active legal capacity and has attained 18 years of age may also be a member of a political party. A person may be a member of only one political party at a time.

[RT I 2006, 52, 384 - entry into force 10.12.2006]

(2<sup>1</sup>) In order to become a member of a political party, a person shall submit a written application to the political party. In order to resign from a political party, a member of the political party shall submit a written application to the political party or to a registration department of a court. The rights and duties of a member of a political party come into effect as of registration in the list of the members of the political party and terminate as of making a notation in the list regarding the termination of membership in the political party, except in the event specified in clause 8<sup>1</sup>(3) 4) of this Act.

[RT I 2010, 29, 150 - entry into force 01.01.2011]

(3) The following persons may not be members of a political party:

- 1) the Chancellor of Justice and their advisors;
- 2) the Auditor General and the chief auditor of the National Audit Office;
- 3) judges;

- 4) prosecutors;
- 5) police officers;
- 6) members of the Defence Forces in active service.
- 7) [repealed – RT I 2009, 62, 405 – entry into force 01.01.2010]
- (4) The President of the Republic shall suspend his or her membership in a political party for the duration of the term of office.

(5) Political parties shall not have collective members.

### **§ 5<sup>1</sup>. Election coalition**

(1) The provisions of §§ 12<sup>1</sup> and 12<sup>2</sup>, subsections 12<sup>3</sup>(1)–(5) and (10) and §§ 12<sup>4</sup>, 12<sup>5</sup> and 12<sup>8</sup> shall apply to election coalitions.

(2) In the course of its operations, an election coalition shall submit to the political party funding supervision committee quarterly reports on donations received by the election coalition.

(3) If an election coalition terminates before the deadline of submission of an election campaign report, the report shall be submitted immediately after the termination of the election coalition.

(4) The person authorised to lead an election coalition shall be liable for the performance of the duties and obligations of the election coalition under this Act.  
[RT I, 10.12.2010, 1 - entry into force 01.04.2011]

### **§ 5<sup>2</sup>. Single candidate**

(1) A single candidate is a natural person who runs as a candidate in the elections of the *Riigikogu*, the European Parliament or the council of a local authority.

(2) A single candidate submits to the political party funding supervision committee a report on the expenses of the election campaign and the origin of the funds used within one month after the election day. The report shall be published on the website of the political party funding supervision committee.

(3) The sources of funding of the election campaign of a single candidate include:

- 1) donations made on the terms and conditions laid down in this Act;
- 2) personal property of the single candidate.

(4) The single candidate shall indicate the type of the funds specified in subsection (3) of this section, the name and personal identification code or registry code of the person who gave the funds, the value of the funds and the date of accrual of the funds in the report. The name of the donor, the personal identification code, the value of the donation and the date of accrual of the donation shall be indicated with regard to a donation.

(5) The provisions of subsections 12<sup>3</sup>(1)–(5) and (10), §§ 12<sup>4</sup> and 12<sup>5</sup> and subsections 12<sup>8</sup>(3), (5) and (7)–(9) shall apply to single candidates.  
[RT I, 10.12.2010, 1 - entry into force 01.04.2011]

## **Chapter 2**

# **Foundation and Organisation of Activities of Political Parties**

### **§ 6. Foundation of political party**

(1) A political party shall be founded by a memorandum of association in unattested written form. The provisions of the Non-profit Associations Act apply to the memorandum of association of a political party unless otherwise provided by this Act.

(2) A political party shall be registered if it has at least 1000 members.

### **§ 7. Articles of association and platform of political party**

(1) The activities of political parties shall be based on their articles of association.

(2) The requirements for articles of association provided for in the Non-profit Associations Act apply to the articles of association of a political party.

(2<sup>1</sup>) A resolution on amendment of the articles of association of a political party is adopted if over one-half of the members or their representatives who participate in the general meeting vote in favour and the articles of association do not prescribe a greater representation requirement.

(3) The political activity of a political party shall be based on a platform. The procedures for its approval and amendment shall be provided for in the articles of association of the political party.  
[RT I 2003, 90, 601 - entry into force 01.01.2004]

## **§ 8. Application for entry in register**

The following shall be appended to the application of a political party for entry in the non-profit associations and foundations register, in addition to that provided for in § 10 of the Non-profit Associations Act:

- 1) a platform signed by the members of the leadership;
  - 2) a list of members of the political party, which contains members' names, personal identification codes and the day, month and year of becoming a member of the political party;
  - 3) a sample or sketch of the insignia of the political party if these are prescribed by the articles of association.
- [RT I 2002, 57, 355 - entry into force 18.07.2002]

## **§ 8<sup>1</sup>. List of members of political party**

(1) A list of the members of a political party shall be kept by the board of a political party in the registration department of a court. The given name and surname, personal identification code, the time of becoming a member and the time of resignation or exclusion from the political party shall be indicated in the list.

(2) Changes to the list of the members of a political party shall be made by the board of the political party or a person authorised accordingly by the board.

(3) The registration department of the court shall indicate the termination of membership in the list of members of the political party in connection with the following:

- 1) an application for resignation from the political party submitted to the department;
- 2) becoming a member of another political party, provided that the time of becoming a member of the other political party comes later;
- 3) the fact that the person is not an Estonian citizen or a citizen of the European Union having permanent residence in Estonia;
- 4) the death of the person.

(4) The registration department of the court shall immediately inform the political party of making the notations specified in subsection (3) of this section and, in the events specified in clauses 2) and 3) of section (3), also the relevant person.

(5) The registration department of the court shall publish the lists of the members of political parties in the online query system of the register of non-profit associations and foundations. Changes shall be published immediately. Instead of the personal identification code, the date of birth shall be published.

(6) The procedure for maintaining lists of members of political parties and the procedure for notification set out in subsection (4) shall be established by a regulation of the Minister of Justice.

[RT I 2010, 29, 150 - entry into force 01.01.2011]

## **§ 9. Decision on registration of articles of association of political party**

(1) [Repealed - RT I 1996, 42, 811 – entry into force 01.10.1996]

(2) A political party shall not be registered under the name of a political party which has already been entered in or deleted from the register.

## **§ 9<sup>1</sup>. Participation and voting in general meeting of political party**

A member of a political party or, in the cases prescribed in the articles of association, a representative of a member who is granted an unattested proxy may participate and vote in the general meeting of the political party. Only another member of the political party may be a representative.  
[RT I 2003, 90, 601 - entry into force 01.01.2004]

## **§ 10. [Repealed - RT I 1999, 27, 393 – entry into force 01.07.1999]**

## **§ 11. [Repealed – RT I 1999, 27, 393 – entry into force 01.07.1999]**

## **§ 12. Ensuring legality of activities of political party, and merger, division and dissolution thereof**

(1) The legality of the activities of political parties shall be ensured and the merger, division and dissolution of political parties shall be effected on the basis of the Non-profit Associations Act. Political parties participating in merger or division shall, in addition to the information prescribed in the Non-profit Associations Act, also

submit the information prescribed in § 8 of this Act. The list of members of the political party shall reflect the situation after the merger or division. A merger resolution of political parties is adopted if over one-half of the members who participate in or are represented at the general meeting vote in favour.

(2) The registration department of a court has the right to demand that the leadership of a political party submit the list specified in subsection 8<sup>1</sup>(2) of this Act as at the date designated by the registration department if there is reason to believe that the actual number of members of the political party has fallen below 1000.

(3) If the number of members of a political party falls below 1000 and voluntary dissolution is not commenced, the registration department of a court, in addition to persons specified in subsection 40 (1) of the Non-profit Associations Act, may request the commencement of compulsory dissolution.

(4) The activities of a political party whose activities or aims are directed at changing the constitutional order of Estonia by force shall be terminated pursuant to the procedure provided for in the Constitutional Review Court Procedure Act.

[RT I 2003, 90, 601 - entry into force 01.01.2004]

## **Chapter 2<sup>1</sup>**

# **FUNDING OF ACTIVITIES OF POLITICAL PARTY AND SUPERVISION THEREOF**

[RT I, 10.12.2010, 1 - entry into force 01.04.2011]

### **§ 12<sup>1</sup>. Principles of funding of political party**

(1) A political party shall, in accordance with the principle of democracy, ensure the lawfulness and complete transparency of its revenue and expenditure at least in the manner prescribed in this chapter.

(2) A political party may receive income only from the following sources:

- 1) membership fees established on the basis of the articles of association of the political party;
- 2) allocations from the state budget under this Act;
- 3) donations made on the terms and conditions laid down in this Act;
- 4) transactions with the property of the political party.

[RT I, 10.12.2010, 1 - entry into force 01.04.2011]

### **§ 12<sup>2</sup>. Borrowing**

(1) A political party may enter into a loan contract only if the lender is a credit institution and the lending and borrowing takes place on market conditions. A loan agreement may be secured only with the property of the political party or the suretyship of a member of the political party.

(2) The provisions of subsection (1) of this section shall not be applied to transactions ordinary in the day-to-day economic activities or to transactions executed on market conditions.

(3) A transaction violating the terms and conditions laid down in this section shall be deemed a prohibited donation.

[RT I, 10.12.2010, 1 - entry into force 01.04.2011]

### **§ 12<sup>3</sup>. Donation**

(1) For the purposes of this Act 'donation' means a financially assessable benefit, including a service, but not voluntary work, voluntarily given by a natural person out of their assets to a political party or a member thereof for the purpose of supporting the activities of the political party.

(2) A donation that does not comply with the terms and conditions laid down in subsection (1) of this section shall be prohibited. Above all, the following shall be prohibited:

- 1) anonymous donations;
- 2) donations by legal persons;
- 3) the transfer or the granting of use of goods, services or proprietary rights to a political party on conditions not available to other persons;
- 4) release from ordinary binding duties or obligations;
- 5) waiver of claims against a political party;

(3) Cash donations shall be immediately registered by a political party as revenue.

(4) The usual value of the object or right shall serve as the basis for evaluation of a non-monetary donation. If there are generally acknowledged experts for evaluation of an object, the object of a non-monetary donation shall be evaluated by them. If a non-monetary donation has been evaluated below its actual value, the difference between the values shall be deemed a prohibited donation.

(5) Evaluation of the value of a non-monetary donation shall, upon submission of the annual report specified in § 12<sup>9</sup> of this Act, be audited by an auditor who shall submit an opinion regarding whether the non-monetary donation was evaluated in accordance with subsection (4) of this Act. Among other things, the opinion shall contain a description of the non-monetary donation and indicate which method was used for evaluation of the non-monetary donation.

(6) A political party shall maintain a website for publication of information and communicate the address of the website to the registration department of the court.

(7) On the tenth date of the first month of the quarter the political party shall publish the donations made and the membership fees paid to it in the register of donations maintained on the website specified in subsection (6) of this section. The political party shall also disclose the donations that have been returned to the person or transferred to the state budget under subsections 12<sup>4</sup>(1)–(3) of this Act.

(8) With regard to a donation a political party shall indicate that it is a donation and indicate the name and personal identification code of the donor and the value and the date of accrual of the donation.

(9) With regard to the membership fee a political party shall indicate that it is the membership fee and indicate the name and personal identification of the person who paid it and the amount and date of accrual of the membership fee.

(10) In the event of a change in the published data, the change and the date thereof shall be indicated. The political party shall inform the political party funding supervision committee of the changes.  
[RT I, 10.12.2010, 1 - entry into force 01.04.2011]

#### **§ 12<sup>4</sup>. Consequences of accepting prohibited donation**

(1) Where possible, a political party shall immediately return a prohibited donation to the donor.

(2) If the donation cannot be returned, the political party shall immediately transfer the monetary donation to the state budget.

(3) In the event of a non-monetary donation the political party shall sell the prohibited donation at the market price. The income received from the sale of the donation shall be immediately transferred to the state budget. If the prohibited donation cannot be sold with reasonable effort, the donation shall be transferred in a manner other than the one provided for in the first sentence of this subsection. If the donation cannot be transferred, the possession of the thing shall be terminated by way of relinquishing ownership. The prohibited donation shall not be transferred to a member of the political party, an affiliated organisation of the political party or to a member thereof.

(4) If the value of the prohibited donation is evaluated to be below 64 euros, the provisions of the first sentence of subsection (3) or subsection (5) of this section shall not be applied.

(5) Evaluation of the usual value of a prohibited donation shall, upon submission of the annual report specified in § 12<sup>9</sup> of this Act, be audited by an auditor who shall submit an opinion regarding whether the usual value of the donation was set in accordance with subsections (3) and (4) of this Act. Among other things, the opinion shall contain a description of the prohibited donation and indicate which method was used for evaluation of the usual value of the prohibited donation. If the auditor has become aware of a violation of the requirements for the evaluation of the usual value of the prohibited donation, the auditor shall inform the political party funding supervision committee of the violation.

[RT I, 10.12.2010, 1 - entry into force 01.04.2011]

#### **§ 12<sup>5</sup>. Current account of political party**

A political party may hold and use only such current accounts that it has communicated to the political party funding supervision committee.

[RT I, 10.12.2010, 1 - entry into force 01.04.2011]

#### **§ 12<sup>6</sup>. Affiliated organisation of political party and participation in other legal persons**

(1) For the purposes of this act ‘affiliated organisation of a political party’ means a foundation or a non-profit association whose founder or member the political party is and whose activities are aimed at the attainment of the goals and objectives of the political party laid down in § 1 of this Act. The requirements for political parties laid down in §§ 12<sup>1</sup>–12<sup>4</sup> of this Act shall also extend to the affiliated organisations of political parties. Donations of a political party to its affiliated organisation shall be permitted.

(2) A political party shall not be a shareholder of any other legal person.

(3) A political party may trade in securities in the securities market in accordance with the Securities Market Act.

(4) A political foundation on the European level is not an affiliated organisation of a political party for the purposes of Regulation (EC) No. 2004/2003 of the European Parliament and of the Council on the regulations governing political parties on the European level and the rules regarding their funding (OJ L 297, 15.11.2003, pp. 1-4).

(5) A political party shall inform the political party funding supervision committee of its affiliated organisations.

[RT I, 10.12.2010, 1 - entry into force 01.04.2011]

## **§ 12<sup>7</sup>. Allocations from state budget**

(1) A political party represented in the *Riigikogu* has the right to receive an allocation from the state budget by the fifth date of each calendar month. The size of the monthly allocation shall be one twelfth of the annual amount. The size of the allocation shall be proportionate to the number of seats obtained in the elections of the *Riigikogu*.

(2) A political party that participated in the elections of the *Riigikogu*, but did not exceed the election threshold and received at least:

- 1) one percent of the votes, shall receive an allocation of 9,587 euros a year from the state budget;
- 2) four percent of the votes, shall receive an allocation of 15,978 euros a year from the state budget.

(3) In the event of a merger of political parties the allocations specified in subsections (1) and (2) of this section shall be totalled. In the event of division of a political party, the state budget allocation shall be allocated to the political party being divided and the acquiring political party shall not receive any allocation from the state budget. In the event of the division of a political party, the allocation shall be divided on the basis of the agreement contained in the contract of division of the political parties. In the event of the dissolution of a political party, the right to the state budget allocation shall terminate after a dissolution entry has been made in the register, but not later than within two months after the political party made the termination decision.

(4) Amounts to be transferred to a political party shall be transferred to the account of the political party via the governmental authority determined by the Government of the Republic on the basis of a communication of the National Electoral Committee, which specifies the number of seats obtained by the political parties in the elections of the *Riigikogu*.

(5) In the year when the elections of the *Riigikogu* are held, the calculation of state budget allocations shall be changed as of the month following the announcement of the election results.

(6) In the event of division of a political party the calculation of state budget allocations shall be amended as of the month following the month of division. In the event of dissolution of a political party, the calculation of state budget allocations shall be changed as of the month following the term provided for in subsection (3) of this section in accordance with the terms and conditions specified in subsections (1), (2) and (4) of this section.  
[RT I, 10.12.2010, 1 - entry into force 01.04.2011]

## **§ 12<sup>8</sup>. Election campaign report**

(1) Within one month after the election day, a political party shall submit to the political party funding supervision committee a report on the expenses of the *Riigikogu*, European Parliament or local authority council election campaign of the political party and its affiliated organisations and of the persons running as candidates in the list of the political party and the origin of the funds used. The election campaign report shall be published on the website of the political party funding supervision committee.

(2) If a person running as a candidate in the list of the political party incurred election campaign expenses separately from the political party, their report shall be annexed to that of the political party. The person who ran as a candidate in the list of the political party shall be liable for the lawfulness of their report.

(3) The election campaign report shall contain the data of the political party regarding the funds used for and the expenses incurred in the election campaign. The report shall also set out information on outstanding contractual payments and the claims of the political party against third parties. Once a quarter additional reports shall be submitted to the political party funding supervision committee on payment of outstanding contractual payments and outstanding invoices and on claims against third parties until the claims are settled or the debt relationship is terminated.

(4) In the report a political party shall indicate the type of the funds specified in clauses 12<sup>1</sup>(2) 2) and 4) and § 12<sup>2</sup> of this Act, the name and personal identification code or registry code of the person who allocated the funds, the value of the funds and the date of accrual of the funds.

(5) In addition to the items specified in subsection (1) of this section, a single candidate shall also indicate donations. The name of the donator, the personal identification code, the value of the donation and the date of accrual of the donation shall be indicated in the report.

(6) In addition to the items specified in subsection (1) of this section, an election coalition shall also indicate donations. The name of the donator, the personal identification code, the value of the donation and the date of accrual of the donation shall be indicated in the report.

(7) The following shall be indicated in the report regarding expenses:

- 1) the date of incurring the expense;
- 2) the name and personal identification code or registry code of the beneficiary;
- 3) the number of the invoice serving as the basis for the payment;
- 4) the description of the payment;
- 5) the amount of the payment in euros.

(8) Expenses shall be recognised based on the following types:

- 1) administrative expenses, including communications expenses;
- 2) labour expenses;
- 3) advertising expenses based on types of advertising;
- 4) public relations expenses;
- 5) publication expenses, incl. expenses of printed publications;
- 6) transportation expenses;
- 7) rental expenses;
- 8) expenses of organisation of public events;
- 9) other expenses.

(9) If a political party detects any deficiencies in the submitted report and submits a new report recognising the changes and informs the political party funding supervision committee thereof immediately after learning or having to learn of the deficiencies and the act of informing takes place before the committee has detected the deficiency, the obligation specified in subsection 12<sup>4</sup>(2) to transfer to the state budget the amount that corresponds to the deficiency detected in the report shall not be applied. If, in the event specified in subsection (1) of this section, the deficiency in the submission of the data specified in the first sentence of this subsection has been caused by a member of the political party or an affiliated organisation, the obligation to transfer to the state budget the amount corresponding to the deficiency detected in the report, which has been provided for in subsection 12<sup>4</sup>(2), is applied to the member of the political party or to the affiliated organisation, taking into account the provisions of the first sentence of this subsection.

[RT I, 10.12.2010, 1 - entry into force 01.04.2011]

## **§ 12<sup>9</sup>. Annual report**

(1) The financial year of a political party is the calendar year.

(2) The general meeting of a political party or a body replacing it under the articles of association shall approve the annual reports of the political party and submit them without the details of the principal field of activity in accordance with subsections 36 (5) and 78 (3) of the Non-profit Associations Act. A political party shall submit an annual report along with the opinion of a certified auditor, provided that auditing is mandatory, by June 30 to the registration department of a court who shall publish the report in the online query system of non-profit associations and foundations.

(3) The obligation to audit the annual reports of a political party receiving allocations from the state budget shall be provided for in the Authorised Public Accountants Act.

(4) The annual report of the financial year of a political party shall also recognise the expenses incurred by the affiliated organisations of the political party for the purpose of attainment of the goals and objectives of the political party.

(5) The provisions of subsection 12<sup>8</sup>(9) of this Act apply to the elimination of the deficiencies of the annual report.

[RT I, 10.12.2010, 1 - entry into force 01.04.2011]

## **§ 12<sup>10</sup>. Political party funding supervision committee**

(1) The political party funding supervision committee shall verify whether political parties, election coalitions and single candidates adhere to the requirements provided for in this Act.

(2) The political party funding supervision committee consists of:

- 1) a member appointed by the Chancellor of Justice;
- 2) a member appointed by the Auditor General;
- 3) a member appointed by the National Electoral Committee;
- 4) a member appointed by a political party represented in the *Riigikogu*, who is not a member of the *Riigikogu* of the Government of the Republic;

(3) The person appointing the member shall concurrently appoint their alternate member of the committee.

(4) The term of office of a member of the committee shall be five years, unless the member of the committee specified in subsection (2) of this section is removed by the person who appointed them before the expiry of the term of office.

(5) A new member of the committee shall be appointed not later than on the tenth day before the expiry of the term of office of a member of the committee.

(6) The committee shall establish its rules of procedure.

(7) The committee has a chairman and a vice chairman who are elected by the committee from among the members of the committee in the first meeting of the committee. A meeting of the political party funding supervision committee shall be called by the chairman or vice chairman of the previous political party funding supervision committee not later than on the seventh day following the start of the term of office of the committee.

(8) Members of the committee shall maintain confidentiality of the information disclosed to them in the course of the work of the committee, which is not subject to disclosure under this Act.

(9) The Chancellery of the *Riigikogu* shall ensure the operations and technical service of the committee.

(10) The committee shall be registered in the national register of state and local authorities.  
[RT I, 10.12.2010, 1 - entry into force 01.04.2011]

(11) A member of the committee and an alternate member shall be remunerated for participating in a meeting of the committee and for performing other functions of the committee. The hourly remuneration of a member and alternate member of the committee shall be 25 times the minimum hourly wage established by the Government of the Republic. The procedure for remuneration shall be provided for in the rules of procedure of the committee.

[RT I, 27.06.2012, 1 - entry into force 07.07.2012]

## **§ 12<sup>11</sup>. Precept of political party funding supervision committee in exercising supervision over funding**

(1) The political party funding supervision committee shall make a precept to a political party, a person running as a candidate in the list of a political party, an election coalition, a person running as a candidate in the list of an election coalition or a single candidate if the person:

- 1) has failed to perform the obligation to submit an election campaign report by the prescribed date or if the report contains deficiencies;
- 2) has failed to return a prohibited donation;
- 3) has not recognised an accepted donation;
- 4) has not transferred a prohibited donation to the state budget;
- 5) has not submitted the documents specified in subsections 12<sup>8</sup>(2) and (3) of this Act.

(2) In a precept a political party, a person running as a candidate in the list of a political party, an election coalition, a person running as a candidate in the list of an election coalition or a single candidate is required to:

- 1) within the term set by the committee, submit the required documents or report or remove the deficiencies contained in the report or in the register of donations;
- 2) transfer the donation to the state budget in one of the manners specified in subsections 12<sup>4</sup>(1)-(3) of this Act by the date prescribed by the committee.

(3) The precept to a third party shall be made in the event specified in subsection 12<sup>8</sup>(3) of this Act.

(4) By a precept, a third party shall be required to give explanations or submit relevant documents to the committee.

(5) A precept shall be signed by the chairman or vice chairman of the political party funding supervision committee.

[RT I, 10.12.2010, 1 - entry into force 01.04.2011]

## **§ 12<sup>12</sup>. Penalty payment and default interest**

(1) In the event of failure to comply with a precept specified in clauses 12<sup>11</sup>(1) 1)-3) and 5) of this Act the political party funding supervision committee may impose a penalty payment of up to 6,400 euros pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act.

(2) If the precept provided for in clause 12<sup>11</sup>(1) 4) of this Act is not complied with by the date specified in the precept, the political party shall pay the state budget default interest at the rate of 0.85 percent of the overdue amount per calendar day of delay.

[RT I, 10.12.2010, 1 - entry into force 01.04.2011]

## **§ 12<sup>13</sup>. Appealing against precept**

If a political party, a person running as a candidate in the list of a political party, an election coalition, a person running as a candidate in the list of an election coalition or a single candidate finds that a precept of the political party funding supervision committee violates their rights, the person may have recourse to the court pursuant to the procedure established in the Code of Administrative Court Procedure.

[RT I, 10.12.2010, 1 - entry into force 01.04.2011]

# **Chapter 2<sup>2</sup> LIABILITY**

[RT I, 10.12.2010, 1 - entry into force 01.04.2011]

## **§ 12<sup>14</sup>. Failure to inform of current account of political party**

(1) Failure to inform the political party funding supervision committee of a current account of a political party is punishable by a fine of up to 200 fine units.

(2) The same act if committed by a legal person is punishable by a fine of up to 6,400 euros.

[RT I, 10.12.2010, 1 - entry into force 01.04.2011]

## **§ 12<sup>15</sup>. Failure to inform of current account of election coalition or single candidate**

Failure by an election coalition or a single candidate to inform the political party funding supervision committee of the use of a current account for election purposes is punishable by a fine of up to 200 fine units.

[RT I, 10.12.2010, 1 - entry into force 01.04.2011]

## **§ 12<sup>16</sup>. Failure to inform of affiliated organisation of political party**

(1) Failure to inform the political party funding supervision committee of an affiliated organisation of a political party is punishable by a fine of up to 200 fine units.

(2) The same act if committed by a legal person is punishable by a fine of up to 6,400 euros.

[RT I, 10.12.2010, 1 - entry into force 01.04.2011]

## **§ 12<sup>17</sup>. Failure to perform reporting obligation**

(1) Violation of the obligation to maintain a register of donations made to a political party or failure to submit an election campaign report by a political party, an election coalition, a person running as a candidate in the list of a political party or election coalition or a single candidate is punishable by a fine of up to 300 fine units.

(2) The same act if committed by a legal person is punishable by a fine of up to 20,000 euros.

[RT I, 10.12.2010, 1 - entry into force 01.04.2011]

## **§ 12<sup>18</sup>. Proceedings**

(1) The provisions of the General Part of the Penal Code and the Code of Misdemeanour Procedure apply to the misdemeanours provided for in §§ 12<sup>14</sup>–12<sup>17</sup> of this Act.

(2) The extrajudicial proceedings of the misdemeanours provided for in §§ 12<sup>14</sup>–12<sup>17</sup> of this Act shall be conducted by police prefectures.

(3) The misdemeanour cases provided for in §§ 12<sup>14</sup>–12<sup>17</sup> of this Act shall be adjudicated by county courts.

[RT I, 10.12.2010, 1 - entry into force 01.04.2011]

## Chapter 3 Implementing Provisions

### § 13. Implementation of Act

(1) [Repealed - RT I 1998, 59, 941 – entry into force]

(2) Until the elections of the VIII composition of the *Riigikogu*, political parties may be founded and registered if they have at least 200 members.

(3) Section 11 of this Act is implemented as of the date of announcement of the results of the elections of the VIII composition of the *Riigikogu*.

(4) Upon entry in the non-profit associations and foundations register of a political party which was registered earlier, the minutes of the general meeting whereby the text of the articles of association of the political party in force was adopted shall be appended to the application for entry in the non-profit associations and foundations register and the application shall be signed by the leadership which was elected at the general meeting.

(5) Loan agreements and credit agreements entered into by political parties until 1 January 2004 shall remain in force.

[RT I 2003, 90, 601 - entry into force 01.01.2004]

(6) If a person has been included in the list of the members of several political parties, the register shall identify in which political party the person has become a member the most recently and indicate the time of becoming a member in the new political party as the time of resignation from the political party in the list of members of the prior political party by 20 January 2011.

[RT I 2010, 29, 150 - entry into force 01.01.2011]

(7) The second sentence of subsection 12<sup>9</sup>(2) and subsection (4) of this Act apply to the reporting period of political parties, which commences on 1 January 2011.

[RT I, 10.12.2010, 1 - entry into force 01.04.2011]

(8) Section 12<sup>10</sup> of this Act shall enter into force on the day of commencement of the term of office of the XII composition of the *Riigikogu*.

[RT I, 10.12.2010, 1 - entry into force 01.04.2011]

(9) Members of the political party funding supervision committee shall be appointed within one month after the entry into force of § 12<sup>10</sup> of this Act. The first meeting of the political party funding supervision committee shall be called by the President of the *Riigikogu*.

[RT I, 10.12.2010, 1 - entry into force 01.04.2011]

(10) Subsection 12<sup>10</sup>(11) of this Act applies to members and alternate members of the committee retroactively as of 1 January 2012.

[RT I, 27.06.2012, 1 - entry into force 07.07.2012]

§ 13<sup>1</sup>. [Repealed -RT I 2005, 47, 387 - entry into force 18.09.2005]

### § 14. Muudatused varasemates seadustes

[Omitted from this text]