

REPUBLIC



OF CYPRUS

175(I) of 2012

THE POLITICAL PARTIES LAW, 2012



(English translation)

**Office of the Law Commissioner
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NOTE FOR THE READER

This publication of the Office of the Law Commissioner is an English translation of Law No. 175(I) of 2012 enacted in Greek.

However useful the English translation of the Law is in practice, it does not replace the original text of the Law since only the Greek text of the Law published in the Official Gazette of the Republic of Cyprus is authentic.

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No. 175(I) of 2012

**A LAW TO PROVIDE FOR THE REGISTRATION AND FUNDING OF THE POLITICAL PARTIES
AND OTHER RELATED MATTERS**

The House of Representatives enacts as follows:

Short title. **1.** This Law may be cited as the Political Parties Law, 2012.

Interpretation. **2.** In this Law, unless the context otherwise requires:

“affiliated organization” means a body or an association of persons with or without legal personality which is associated with a political party by its statute and instruments or serves or promotes the purposes of a political party and includes youth organizations, women’s organizations, agriculture, cultural, adult organizations etc;

“banking institution” has the meaning assigned to this term by the Banking Business Law, as amended or substituted for the time being;

66(I) of 1997
74(I) of 1999
94(I) of 2000
119(I) of 2003
4(I) of 2004
151(I) of 2004
231(I) of 2004
20(I) of 2005
80(I) of 2008
100(I) of 2009
123(I) of 2009
27(I) of 2011
104(I) of 2011
107(I) of
2012.

“Commissioner” means the Commissioner of the Register of Political Parties, who shall be the Director General of the Ministry of Interior;

“contribution” means the financial aid from the state to political parties, to cover part of their electoral expenses by virtue of the provisions of section 4;

“non-parliamentary party” means a political party which is not represented by a member of the parliament or of the European parliament;

“parliamentary party” means a political party which is at least represented by a member of the parliament or of the European parliament;

“political party” means a body or association of persons having continuous character, statutory structure and organization of pancyprrian range and having political, ideological or planned common objective, which participates in elections or other representative bodies provided by the legal order and co-operates for the formation of the political will of people’s for the purposes of realizing its political programme. The organization, structure and functioning thereof in relation to matters the government and the society are dealing with, shall be compatible with the legal framework provided for by the Constitution and the laws of the Republic and generally its presence in the sociopolitical life of the country shall provide sufficient guarantee for the importance of its purpose and its objective as a political party;

“Register” means the Register of Political Parties, which is kept by the Commissioner and wherein there shall be entered the acts of establishment and the statute of a political party by virtue of this Law;

“regular funding” means the financial aid from the state to parliamentary parties to cover part of their operating expenses by virtue of the provisions of section 4;

“Republic” means the Republic of Cyprus;

“sponsor” means a legal entity of public law which contributes financially in any manner to an event or other activity for the purposes of, or, resulting directly or indirectly in the promotion of the activities of a political party;

“state funding” means the financial aid from the state to political parties to cover part of their operating and electoral expenses and includes the regular funding and contribution by virtue of the provisions of section 4:

Provided that, there shall not be included in the state funding the amount granted by the state to political parties to cover their contribution to the respective political parties of the European Union which is regulated with a relevant provision in the annual state budget.

Registration of a political party in the Register and fee of registration.

First Annex.

3.-(1) (a) Subject to the provisions of subsection (3), each political party shall be registered in the Register upon submission to the Commissioner of an application for registration, in the form set out in the First Annex, accompanied by the information set out in the form given in the First Annex and on the payment upon a receipt of a registration fee of two thousand euros (€ 2.000). In addition, the application shall be accompanied by a relevant document signed by three hundred (300) Cypriot citizens who have the right to vote and support the application of

registration.

(b) Upon the submission of an application of registration to the Commissioner, the political party must state the affiliated organizations:

Provided that the political party shall notify any change of the affiliated organizations to the Commissioner.

(2) The application for registration by virtue of subsection (1) shall be signed by the leader or president or secretary-general of the political party, or its head, in accordance with its statute and the procedures provided therein, or by a duly authorized representative of the political party as the case may be.

(3) Political parties, which on the date of the entry into force of this Law are parliamentary parties shall be ipso jure registered in the Register without the submission of the application for registration by virtue of subsection (1), upon submission of their statute to the Commissioner within six (6) months from the date of the entry into force of this Law.

(4) The Commissioner shall, after having ascertained that the applicant satisfies the provisions of this Law, register the political party in the Register or, in case of an existing party, this shall be ipso jure registered by virtue of the provisions of subsection (3) and issue registration certificate, in accordance with the form provided in the Second Annex. Each registration of a political party shall be published by the Commissioner in the Official Gazette of the Republic:

Second Annex.

Provided that, in case of any change in the statute or the name or the address of a political party, the said party shall give a notice to the Commissioner within two (2) months from the change, who shall publish the same in the Official Gazette of the Republic.

(5) The registration certificate shall be evidence of its content, and of the prerequisites for registration of a political party provided by this Law.

(6) In case of dissolution of a political party, the said political party shall give a notice to the Commissioner, who strikes off the political party from the Register and shall cause for the striking off to be published in the Official Gazette of the Republic.

(7) Each decision of the Commissioner made in the context of this section shall constitute an administrative act which is subject to judicial review in accordance with the provisions of the Constitution, with the exception of the ipso jure registration of the existing on the date of entry into force of this Law parliamentary parties.

State funding
of political
parties.

4.-(1) The political parties registered in the Register shall receive funding from the state as follows:

- (a) The parliamentary parties to cover part of their electoral and operating expenses;
- (b) The non-parliamentary parties, to cover part of their electoral expenses by virtue of the provisions of paragraph (b) of subsection (4) of this section.

(2) The state funding of the political parties shall not be subject to any tax or levy imposed and collected by law.

(3) The parliamentary parties shall receive regular funding, the amount of which shall be prescribed by the Council of Ministers and shall be included in the state budget:

Provided that the regular funding received by parliamentary parties shall be allocated as follows:

- (i) A percentage of 22% of regular funding shall be distributed in equal shares; and
- (ii) the remaining part shall be distributed in proportion to the percentages they received at the last parliamentary elections.

(4) Without prejudice to the provisions of subparagraph (b) of this subsection, parliamentary and non-parliamentary parties shall receive a contribution, the amount of which shall be prescribed by the Council of Ministers and shall be included in the state budget as follows:

(a) Parliamentary parties shall receive a contribution in accordance with the provisions below:

- (i) A percentage of 22% of the contribution in equal shares; and
- (ii) The remaining part shall be distributed in proportion to the percentages they received at the last parliamentary elections, which is granted to them before the holding of the parliamentary elections to which the contribution relates:

Provided that the provisions of this paragraph shall apply, mutatis mutandis, in relation to any contribution which the Council of Ministers may decide to be granted for any other elections carried out in the Republic.

(b) The non- parliamentary parties shall receive contribution provided that are registered in the Register and have an active presence in public life during the three recent years before the last parliamentary elections and

- (i) They must have received at least 1,5% of the votes cast at the last parliamentary elections; or
- (ii) they must have received at least 1,5% of the votes cast at the elections to which the contribution relates and, at a pancyprian level, their candidates cover, at the elections to which the contribution relates, at least half of the number of the members of the Parliament and have at least one candidate for election as a Representative in each district:

Provided that the non-parliamentary parties which are entitled to contribution shall receive a contribution in proportion to the percentages they received either at the last parliamentary elections, if they fall within subparagraph (i) of paragraph (b) of subsection (4), when it is granted to them before the holding of the elections to which the contribution relates, or at the elections to which the contribution relates, if they fall within subparagraph (ii) of paragraph (b) of subsection (4), when it is granted to them after the holding of the elections to which the contribution relates:

Provided further that the non-parliamentary parties falling within subparagraph (ii) of paragraph (b) of subsection 4 shall receive such contribution, the amount of which is estimated as a percentage on the aggregate amount of the contribution provided for, which was allocated to the remaining parties which were entitled to receive contribution before the elections in accordance with the provisions of this Law. This amount shall be additional to the aggregate amount of the amount initially provided for the remaining parties.

Private
donation to
political
parties.

5.-(1) Subject to the provisions of the following subsections, in addition to the state funding, a political party or affiliated organization may accept legitimate private monetary donations whether in kind, or in equipment or in services, named or anonymous.

(2) (a) Each private donation within the meaning of subsection (1) of this section shall be accepted by the political party or the affiliated organization upon a receipt, and shall not be subject to any tax or levy imposed and collected by law:

Provided that non monetary donations of any nature shall be accepted by the political party or the affiliated organization only upon the issue of a receipt on which the estimated value and the nature of the donation is described, following an evaluation according to the current market values, according to the case, which is included in the maximum limit of private donations provided in subsection (c).

(b) The receipt given by a political party or affiliated organization for each private donation may be used by the donor in his/her income tax return and shall not be subject to any tax or levy imposed and collected by law.

(c) Without prejudice to the provisions of paragraph (d), each named private donation from the same physical person or legal entity to any political party or affiliated organization, as the case may be, shall be permitted only up to the amount of fifty thousand euros (€ 50.000) per year, for each case:

Provided that there shall be permitted a named private donation from companies registered under the provisions of the Companies Law or from physical persons, to political parties or affiliated organizations, on condition that the activities of the said companies or physical persons are not illegal:

Cap. 113.
 9 of 1968
 76 of 1977
 17 of 1979
 105 of 1985
 198 of 1986
 19 of 1990
 41(I) of 1994
 15(I) of 1995
 21(I) of 1997
 82(I) of 1999
 149(I) of 1999
 2(I) of 2000
 135(I) of 2000
 151(I) of 2000
 76(I) of 2001
 70(I) of 2003
 167(I) of 2003
 92(I) of 2004
 24(I) of 2005
 129(I) of 2005
 130(I) of 2005
 98(I) of 2006
 124(I) of 2006
 70(I) of 2007
 71(I) of 2007
 131(I) of 2007
 186(I) of 2007
 87(I) of 2008
 49(I) of 2009
 99(I) of 2009
 42(I) of 2010
 60(I) of 2010
 88(I) of 2010
 53(I) of 2011
 117(I) of 2011
 145(I) of 2011
 157(I) of 2011
 198(I) of 2011
 98(I) of
 2012.

Provided further that any private donation in contravention of the provisions of paragraph (c) shall constitute a criminal offence both for the donor and the recipient and shall be punishable with a pecuniary penalty equal to double of up to triple of the difference among the highest permitted donation and the donation which was made.

(d) Each anonymous private donation from the same physical person or legal entity to any political party or affiliated organization, as the case may be, shall be permitted up to the amount of one thousand euros (€1000) per year for each case. The aggregate amount of the anonymous private donations received by a political party or an affiliated organization per year shall be published in the daily press.

(3) There shall not be permitted to a political party or an affiliated organization to accept private donations of any kind from legal entities of public or private law over which the state exercises control or from companies which are not registered in the Republic, in accordance with the provisions of the Companies Law:

Provided that there shall be permitted to each political party or affiliated organization to accept named private donations of any kind from legal entities of public or private law over which the state exercises control in their capacity as sponsors in events organized by political parties or and events organized by an affiliated organization as the case may be, up to the amount of twenty thousand euros (€20.000) per year for each legal entity of public law, according to the case.

Control of financial administration.

6.-(1) The financial administration of the political parties shall be audited by the Auditor-General of the Republic. The political parties shall, to this effect, be bound to keep detailed information and proper account books and prepare separate and consolidated with the affiliated organizations financial statements for each financial year in accordance with the International Financial Reporting Standards, for the time being in force, which after an independent internal audit, shall be submitted to the Commissioner within three (3) months at the latest following the expiration of the year concerned.

(2) The Commissioner shall submit the consolidated financial statements for audit to the Auditor-General of the Republic within four (4) months at the latest following the expiration of the year concerned.

(3) The Auditor-General of the Republic shall, after having audited the financial statements by virtue of subsection (1), prepare a report in relation to the audit findings and publish the same in the Official Gazette of the Republic.

(4) The Auditor-General of the Republic shall, after having ascertained a contravention of the provisions of the Law, transmit the report to the Commissioner.

(5) The financial administration of the political parties shall be governed by the principles of transparency and accountability.

Transfer of capital of political parties.

7. At least 80% of the capital of political parties and affiliated organizations must be transferred exclusively via banking institutions and the transfer of their capital to other bodies shall be prohibited.

Administrative penalties.

8.-(1) A contravention of the provisions pursuant to this Law shall be punishable with a pecuniary administrative fine of an amount up to twenty thousand euros (€20.000) imposed by the Commissioner, with the concurrence of the Auditor-General of the Republic:

Provided that, in case of contravention of the provisions of section 6, the Commissioner shall, before imposing the above fine, give a written notice to the political party or the affiliated organization and ask them to comply within thirty days (30) with the said provision.

(2) An investigation of the case for contravention of the provisions of this Law shall be carried out by the Commissioner, upon submission of the report of the Auditor-General of the Republic and once the accused political party or affiliated organization has been

granted the right to be heard.

(3) The Commissioner shall, having investigated the case, in accordance with subsection (2) of this section, prepare and publish his reasoned findings in the Official Gazette of the Republic.

(4) Any decision of the Commissioner by virtue of this section shall constitute an executory administrative act, which is subject to judicial review in accordance with the provisions of the Constitution.

Representation of the political party before the court. **9.** Each political party may sue and be sued in its name with a legal personality of its own representing all his members, for the purpose of its obligations deriving from this Law:

Provided that the above regulation shall not concern the decisions of the committees of a political party provided by the provisions of its statute and which are not subject to judicial review.

Regulations. **10.** The Council of Ministers may make Regulations, to be approved by the House of Representatives, relating to any matter which is required or may be prescribed and generally for the better carrying into effect of the provisions of this Law.

Application of the Political Parties (Acquisition, Possession and Disposal of Immovable and Movable Property) Law, 1989 to 1998. 199 of 1989 3 of 1990 49(I) of 1998. **11.** Upon the entry into force of this Law, the provisions of the Political Parties (Acquisition, Possession and Disposal of Immovable and Movable Property) Law, 1989 to 1998, shall apply in so far as they are not inconsistent with this Law.

Repeal and saving. 20(I) of 2011. **12.** From the date of the entry into force of this Law*, the Political Parties Law, 2011 is hereby repealed without prejudice to any act or action done under the provisions of the repealed Law.

* Law 175(I)/2012 entered into force on the date of its publication, that is on, 17.12.2012.

FIRST ANNEX

[section 3 (1)]

REPUBLIC



OF CYPRUS

THE POLITICAL PARTIES LAW

[section 3 (1)]

APPLICATION FOR REGISTRATION OF POLITICAL PARTY

I,.....of.....

Leader / Secretary – General / Head / Authorized representative of the political party
..... hereby request the registration of the political party
in the Register of Political Parties and to this effect thereby attach the following
information:

(a) The statute of the party,

- (b) The name of the party,
- (c) The emblem of the party (if any),
- (d) The names and addresses of the Leader / Secretary – General and members of leadership of a party,
- (e) A document signed by 300 Cypriot citizens who have the right to vote supporting the application for registration of a political party,
- (f) A list of affiliated organizations,
- (g) Receipt of payment of the registration fee, provided in subsection (1) of section 3.

Date.....

Signature.....

Leader / President / Secretary General / Head of /
Authorized representative of the party.

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SECOND ANNEX

[section 3 (4)]



THE POLITICAL PARTIES LAW

[section 3 (4)]

CERTIFICATE OF REGISTRATION OF A POLITICAL PARTY

Register Number:

It is hereby certified that the political party by the name has been registered in the Register provided under the provisions of section 3 of the Political Parties Law.

Date.....

Signature.....

Commissioner of the Register of Political Parties

Seal

