

European Democracy Consulting REPRESENT

Submission to the European Commission and to the European Parliament

Addendum on Reforming Regulation 1141/2014 of the European
Parliament and of the Council

On the statute and funding of European political parties and European
political foundations



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I. INTRODUCTION

1. On 10 and 11 May 2021, the OSCE Office for Democratic Institutions and Human Rights (hereinafter, “ODIHR”), the Research Centre for the Study of Parties and Democracy (REPRESENT), and European Democracy Consulting (EDC) discussed with the European Commission and the European Parliament their on-going revision of Regulation 1141/2014 on the statute and funding of European political parties and European political foundations. The European Parliament is preparing a review of the implementation of Regulation 1141/2014 and the European Commission has opened a public consultation with the view to propose legislative changes to the framework of European political parties.
2. Following these exchanges, the European Commission and European Parliament confirmed their interest in an ODIHR-led submission detailing policy and legislative proposals for the reform of European political parties, in line with the OSCE/ODIHR-Venice Commission Guidelines on Political Party Regulation¹ (hereinafter “the OSCE/ODIHR-Venice Commission Guidelines”) and supported by available best practices on political party systems.
3. ODIHR prepared a submission in response to the above request, focusing on certain provisions of the Regulation 1141/2014 on European political parties and the European party system. That submission was prepared on the basis of comments from Mr Louis Drounau (Founder of European Democracy Consulting) and Dr Fernando Casal Bértoa (Director of REPRESENT and member of the ODIHR Core Group of Experts on Political Parties).
4. One of ODIHR’s objectives is to support OSCE participating States in fully institutionalising multiparty systems and to ensure that all political parties work to preserve this system regardless of which party is in power. In particular, ODIHR developed and published *Guidelines on Political Party Regulation*, an innovative joint initiative with the Council of Europe’s Venice Commission that provides guidance for the drafting and implementation of legislation and regulations on political parties. The guidelines provide an overview of good practices that can be applied across the entire range of democratic systems in the OSCE region.
5. Given the uniqueness of the European political parties and European party system, deriving in part from the European Union’s specific institutional set-up, some recommendations and examples for the reform of Regulation 1141/2014 may be too specific or too detailed to be supported by the wording of the Guidelines. In order to keep this distinction clear, these recommendations and examples are included in this Addendum drafted by European Democracy Consulting and REPRESENT, and not part of the ODIHR submission.

¹ Joint Guidelines of the OSCE/ODIHR and the Venice Commission on Political Party Regulation (2nd edition, 2020), CDL-AD(2020)032, available at <https://www.legislationline.org/odihr-documents/page/guidelines> and [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2020\)032-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2020)032-e).

II. SUPPLEMENTARY RECOMMENDATIONS

The section below proposes recommendations that may be beyond ODIHR's mandate. Where these recommendations belong to an existing part of the report, they are listed under the name of the relevant section and with a reminder of existing recommendations, but without references to the OSCE/ODIHR-Venice Commission Guidelines or best practices. Where they belong to a separate section (such as the sub-section on the visibility of parties for citizens), the entire section is provided.

B. Governance and internal democracy

Recommendation 5. Encourage a more participatory process of internal decision-making

6. [Included in ODIHR report]

Recommendation 5a. Request the election of the top leadership by individual members

7. While European political parties should remain able to decide on their structure and processes, specific requirements to ensure internal party democracy and ensuring the European character of European parties may be legitimate.² The Guidelines note that many national parties have moved to using more transparent selection processes and other proactive measures to ensure equal opportunities in the selection of candidates; they have often increased direct member participation in the selection of leaders and candidates by introducing one-member-one-vote selection processes, although often requiring either pre-vote selection or approval by party leaders of those who will appear on the member ballot or requiring post-vote ratification by the party's leadership.³ The 2012 proposal of the European Commission for a Regulation on European political parties contained clear provisions for internal democracy, including the election of governing bodies. All these provisions were removed during negotiations with the European Council. A comparison of this proposal with Regulation 1141/2014 is provided in Annex III.
8. **In order to strengthen the internal democracy of European political parties and increase the role of individual members, Regulation 1141/2014 could require the democratic election of European parties' top leadership position(s) by individual members through party-wide elections.** Since a European party facing this requirement may choose to willingly limit its own individual membership, it may be useful to extend the voting pool to individual members of a European party's national members parties from EU Member States.
9. Depending on the structure of the party, the top leadership position(s) may have different names and different prerogatives; it may also be one or more people. However, the exact position(s) that are voted for may be less important than the process of organising an EU-wide, party-wide election.

Recommendation 5b. Request the election of lead electoral positions by individual members

10. The implementation of a robust lead candidate system ("Spitzenkandidat") is widely considered as an essential way to strengthen the EU's democracy: not only would it make the election more

² Ahead of the adoption of Regulation 1141/2014, the European Commission's draft Regulation included stricter requirements regarding democratic decision-making, and the selection of candidates for elections to the European Parliament. However, the Council requested the removal of these provisions, leaving internal democratic processes unregulated² (see Annex II).

³ Ibid., par 162.

personalised, and therefore contribute to engaging citizens, but it would make the EU one important step closer to a true parliamentary democracy, by linking the election of the lower house to control of the executive branch. However, attempts in 2009, 2014 and 2019 have fallen short of mustering citizen engagement around the figure of the lead candidate. This result has a number of causes, including the fact that not all parties have participated in this system, that campaigns have remained controlled by national parties eager to publicise their own candidates, that Member States have failed to support the lead candidate system, and owing to the nomination process of the lead candidates by European parties.

11. From a party perspective, an important point to bolster the lead candidate system is to ensure that their nomination proceeds from an inclusive and democratic party process, instead of resting on behind-closed-doors congresses held away from the public eye. Involving citizens in the choice of the lead candidate would not only increase citizens' role in the selection of the EU's leaders, but also strengthen the link between citizens and their European parties, thereby consolidating their identity and identification and providing an additional incentive for citizens to join European parties.
12. **As a counterpart to a direct access to the highest executive position, a review of the provisions on internal democracy could include a requirement for European political parties' lead candidates to be democratically elected by individual members.** In case of a coalition of several European parties campaigning together, this could be a joint, cross-party election. As in the previous recommendation, there is a risk that national political parties may try and restrict European parties' individual membership, so as to ensure control over the choice of the lead candidate. For this purpose, the requirement may be drafted so as to extend to individual members of a European party's member parties, with relevant provisions to avoid double voting.

D. Interplay of European and national political parties

Recommendation 8. Allow European political parties to finance affiliated national parties and candidates

13. [Included in ODIHR report]

Recommendation 8a. Give European parties a central role in European elections

14. For political parties to affirm their identity and role in a political system, they must be at the centre of European elections. Currently, beyond the "party article", the role of European parties in European elections is mentioned only indirectly in Regulation 1141/2014, indicating that they "may finance" campaigns, and is referenced only in passing in the EU Electoral Act.
15. **In order to strengthen the role of European political parties in EU elections, a declaratory article, both in Regulation 1141/2014 and in the EU Electoral Act, could state clearly that the responsibility for preparing, organising and running electoral campaigns to the European Parliament falls, first and foremost, to European parties.** More than a symbol, this provision would set a concrete legal foundation to support the role of European political parties in European elections, in the same way that the party article has progressively been used as a legal basis for the strengthening of European parties.

Recommendation 8b. Limit the number of affiliated parties to one per Member State

16. One of the goals of the reform of the European party system is to increase the limited ideological coherence of European parties, as a means to providing citizens with clearer political choices. This includes bringing national member parties closer together. Since European elections are carried out on a mostly national basis, limited coherence means citizens voting for the same

European political party may actually support national candidates and platforms that diverge sometimes substantially from each other and from the European party's programme. Mindful of this, the 2018 revision of Regulation 1141/2014 prohibited national parties from belonging to more than one European party (Article 3(1ba)), but ideological coherence of European parties remains limited.

17. Given Member States' long history of national political action, national cleavages may remain stronger than in other, more recent multi-level political systems. However, this does not mean that the coherence of European parties cannot be improved. A particularly damaging situation for the proper discernment of voters is the case of several national parties, officially distinct on the national political scene, and yet affiliated to the same European party. In certain Member States, European political parties have four, five, or even six national member parties.
18. **With respect for the differences of national political parties and the structure of party systems in the Member States, an important path for the progressive strengthening of the identity of European political parties and the provision of a coherent political offer to European citizens is the rationalisation of party systems across the EU. In the long run, European political parties should have a single affiliated national party per Member State. This rationalisation will not erase difference between affiliated national parties, which will retain their national characteristics, nor will it prevent coalitions and other electoral alliances; however, it will clarify the political and ideological identity of the European party and of its affiliated parties.⁴ This is in line with common practices in other multi-level party systems.**

Recommendation 8c. Harmonise party names and logos across Europe

19. Structuring the vote is the first task of a political party and is accomplished by creating a label that citizens can refer to and understand. In practice, despite campaigns to promote voting in European elections, European parties remain invisible to voters who hardly know their positions or, often, their name. They are thus unable to serve as a vote-structuring label.
20. **The progressive harmonisation of party names and logos across the EU, whereby parties affiliated to a common European party would come to bear the same, or a similar, name would greatly contribute to the identification of voters with their European parties and bolster citizens' ability to recognise parties and interact with them across borders.**
21. For reasons of cultural and linguistic differences, this requirement should remain flexible, so as to permit translations of the name into any of the official languages of the Member State and other limited adaptations, such as including the Member State's name. This is already the case in Germany. A transitional period of double names may help this convergence.

I. Transparency on European political parties and the European party system

Recommendation 29. Rephrase the "single website" requirement

22. [Included in ODIHR report]

Recommendation 30. Clarify and expand the information to be published under Article 32

23. [Included in ODIHR report]

⁴ A natural exception should be made for "sister" national political parties operating in separate sub-national constituencies, be they full sub-divisions of the national territory (such as Flanders and Wallonia in Belgium) or discreet regional units (such as regionalist parties in France).

Recommendation 31. Require information to be published in open and machine-readable formats

24. [Included in ODIHR report]

Recommendation 31a. Require the graphic display of information

25. While the provision of data in open and machine-readable formats is essential for the analysis of this data by members of academia or the press, it achieves little for the direct understanding of the vast majority of citizens visiting the APPF's or Parliament's websites. Citizens accessing a website need the most important information presented graphically in a clear and intelligible way with the relevant contextual information. The European Parliament has understood this and already provides visual information on its website with regards to electoral results for each of its parliamentary groups, but not for European parties.

26. Currently, the APPF and the European Parliament do not provide any visual information regarding European parties, thereby severely limiting the intelligibility of the information they provide to citizens accessing their websites. **Article 32 could therefore be reviewed to include the specific requirement that relevant information — including, but not limited to, donations, contributions, public funding, and electoral results — be displayed graphically in a user-friendly manner.**

Recommendation 32. Carry out a yearly review of the implementation of transparency and requirements and visibility measures

27. [Included in ODIHR report]

J. Financial transparency by European political parties

Recommendation 33. Provide a financial summary

28. [Included in ODIHR report]

Recommendation 34. Improve the timing and modalities of financial reporting

29. [Included in ODIHR report]

Recommendation 35. Improve electoral financial reporting

30. [Included in ODIHR report]

Recommendation 35a. Strengthen the role of the treasurer as a “financial agent”

31. Another approach to support financial transparency is to look at the role of individual actors. In particular, using principles from the doctrine of agency, all funds can be channelled through and all expenditures must be authorised by a “financial agent”. The financial agent also checks all incoming donations and expenses to ensure they conform with the rules. This approach aims at improving internal enforcement of financial regulations.

32. **Regulation 1141/2014 could require the designation of a single “financial agent” in charge of approving all income and expenditure, and parties could be required to notify the APPF when there has been a change of financial agents.**

J-a. Visibility of parties for citizens

Current rules.

33. Measures relating to the visibility of European political parties are scarce. According to Article

18(2a), “a European political party shall include in its application evidence demonstrating that its EU member parties have, as a rule, published on their websites, in a clearly visible and user-friendly manner, throughout the 12 months preceding the final date for submission of applications, the political programme and logo of the European political party.”

Consequences.

34. European parties are, by and large, unknown to the vast majority of European citizens. Very few citizens know their names, their logos, or are able to name the European party their own national party is affiliated to. They are often confused with, or assimilated to, political groups in the European Parliament which have benefited from greater media visibility. Even during campaigns for European elections, national parties often fail to mention their European party affiliation or indicate it on posters and campaign material, and rarely use the manifestos drafted by European parties — which often remain underdeveloped statements of principles. As a result, European citizens continue to vote almost exclusively for their respective national party, instead of for European political parties.
35. European parties stand to gain from a more direct link with citizens who, as members of political parties, can provide contributions, word-of-mouth communication, and shoulder in-person interactions with other voters. Conversely, supporters usually stand to gain from membership in political parties, including by getting a say in a party’s policies and in the choice of its leaders, and by finding purpose and a source of socialising with like-minded citizens. There is no reason to believe these elements would not apply in a similar manner to European parties as they do to national parties.
36. However, in practice, results have been very limited at best. On the one hand, most European political parties have introduced individual membership (which is not a requirement under Regulation 1141/2014), alongside the membership of national parties. With 955 members, almost three times the number of individual members as the next in line, ALDE seems to have pushed this membership far more than other European parties. On the other, despite this possibility, numbers remain extremely low: the EFA has no individual members, ID Party has 2, more than half of the parties have fewer than 12, and even ALDE does not yet reach a thousand. This is to be contrasted with around 400,000 members of the German CDU and SPD, or the Italian Partito Democratico (PD). Furthermore, membership rarely entitles members with participation and voting rights expected from membership in national political parties. Even ALDE’s individual members has only marginal voting rights at the party’s congress; in 2021, their delegates only accounted for 4 of the Congress’ 586 voting members, or less than 0.7%.⁵
37. Whether European parties have actively sought to expand their individual membership or not, no efforts seem to have been made by national political parties themselves to share their own national members. While a number of national parties have reacted to a decline in membership figures by providing more rights to their members, increasing direct participation and setting up more horizontal structures, European parties have lagged behind and not undergone similar transformations, retaining their structure as “parties of parties”.
38. This absence of links between European citizens and their European political parties is what led the European legislator to adopt Article 18(2a) in the 2018 amendment of Regulation 1141/2014, in order to ensure that national member parties display the logo and programme of their European political party of affiliation “in a clearly visible and user-friendly manner”. This requirement is a pre-condition for the obtention of European public funding. A survey of national member parties’ websites finds that national political parties, by and large, do not comply with this requirement:⁶ 22% do not display any logo at all on their website’s frontpage,

⁵ ALDE, [ALDE Party Member Parties Congress and Council delegations, valid for 2021 events](#), accessed 26 May 2021.

⁶ European Democracy Consulting, [The logos project](#), 12 April 2021. The report includes a discussion of the

and, out of those that do, 85% cannot be considered to have made this display “clearly visible and user-friendly”. Despite this situation, no European political party has seen its request for funding denied by the European Parliament.

39. Overall, Article 18(2a) introduced an innovative and bold way to increase the visibility of European political parties by using conditionality on European parties’ funding to indirectly introduce a requirement on national parties. As national parties, they cannot be constrained by Regulation 1141/2014; but as members of European political parties, they can be requested to visibly display their affiliation under financial penalty for their European party of affiliation. While Article 18(2a) failed to be properly implemented because of its all-or-nothing phrasing, its principle stands, and thought should be given on ways to apply it more broadly, in particular when financial linkages between national and European parties are created.

OSCE/ODIHR-Venice Commission Guidelines.

40. Written for the primary benefit of countries – where the visibility of political parties (at least those active and/or with legislative representation) is incomparably higher than that of European political parties – the OSCE/ODIHR-Venice Commission Guidelines have limited provisions on the visibility of political parties.

Relevant national practices.

41. Issues such as the ensuring the visibility of the link between parties at different levels or assessing whether citizens are aware of the existence of political parties are not commonplace. This is because political parties themselves have direct incentives to reach out to citizens and make themselves known, since citizens can directly vote for these parties at elections and are relied on for individual membership and financial donations. Likewise, there are no major legal impediments to parties organising activities on the ground to engage citizens.
42. Furthermore, whether countries have a federal structure or not, the local, regional or State branches of national political parties often bear the same name and display the same logo as their national counterpart.

Recommendation 35b. Revise the requirement for national parties to display the logo of their European political party

43. **The most important change is to rephrase the display requirement of Article 18(2a) in order to provide a more specific requirement, as experience has now shown that the mere “clearly visible and user-friendly” provision is not specific enough.** For instance, Article 18(2a) could read:

A European political party shall include in its application evidence demonstrating that its EU member parties have, as a rule, published on their websites, in a clearly visible and user-friendly manner, throughout the 12 months preceding the final date for submission of applications, the political programme and logo of the European political party. **In particular, the logo of the European political party shall be located in the top section of website’s frontpage and in the same size and manner as the member party’s own logo.** (emphasis added)

44. **The APPF should also draft clear and detailed guidelines for the interpretation of the display requirement, helping member parties abide by the display requirement and assisting the European Parliament in its assessment of compliance.** These guidelines should be made public on the APPF’s website and be periodically reviewed as necessary, based on member parties’ compliance. Unlike DG FINS’ funding guide, the guidelines would focus on

meaning of a “clearly visible and user-friendly” display.

issues of visibility and user-friendliness and contain more specific requirements, in line with the text and intent of Article 18(2). For instance, they could spell out that European parties' logos should be on the "first screen" of the website's frontpage. Exceptionally, the logo could be located just below the first screen, provided its display remains in line with that of the national logo, with a similar size, not grouped with other logos, not transparent, and displayed with its true colours. Finally, the guidelines should include graphic examples of acceptable and non-acceptable displays, and list modalities for European parties to provide the requested evidence of compliance. Beyond the general rule of self-reporting, the APPF and the European Parliament should reserve the right to monitor member parties' compliance themselves as necessary. Ideally, the new phrasing of Article 18(2a) would explicitly mandate the APPF to issue these guidelines.

45. Furthermore, sanctions regimes must be "effective, proportional and dissuasive." If the sanction is too lenient, it will not be dissuasive, but if it is too harsh, it is unlikely to be implemented by the sanctioning authority. Analysis has shown that national political parties have repeatedly failed to implement a requirement that should directly disqualify their European party from having its application for funding approved; nevertheless, this overly strict sanction of depriving European parties of any EU public funding has never been imposed. Therefore, in order to ensure that a failure to comply with the display requirement actually leads to penalties being applied, said penalties must instead be in line with the shortcoming identified.
46. **In order to create effective, proportional and dissuasive sanctions to ensure the implementation of Article 18(2a), the display requirement should be removed from the list of pre-conditions for funding (listed in Article 18) and placed instead as a regular obligation, either under Article 23 (renamed "Accounts, reporting, audit and visibility obligations") or under a new Article 23a dedicated to visibility and transparency obligations and which could naturally go beyond the display requirement itself.**
47. **A new paragraph in Article 27(2)(a) on non-quantifiable infringements could make a direct reference to the new Article 23a (either by amending point (iv) or by adding another point) and a new dedicated sanction could be added to Article 27(4)(a) whereby European parties would lose, for instance, 20% of their annual budget. A system of brackets accounting for the number of non-complying member parties could help make this sanction progressive.⁷**
48. Alternatively, should the display requirement remain as part of European political parties' applications for funding, these applications should be made public on the APPF's website at the time of their submission or soon after (in this case, a clear deadline should be specified), and, in any case, well ahead of the decision to approve funding.⁸ This would allow external observers to see what European parties have considered to fit the display requirement and, should the application for funding have been approved, what the European Parliament's services (or, should the controlling entity change, the APPF) have deemed acceptable and fitting the display requirement.
49. In the long run, given the EU's stated aim to "[create] an ever closer union among the peoples

⁷ This situation is yet another example of a sanction regime where the obligation, albeit indirectly, falls upon one actor — the national member party — while the sanction falls on another — the European party. As a result, member parties, who are not financially dependent on, or even related to, their European party of affiliation, have no strong incentives to abide by the requirement. Given the loose interactions between national and European parties, member parties fear limited or no consequences for a behaviour that lets European parties bear the sanction — in particular where this sanction is, in fine, not applied. This example is therefore one more reason to create financial ties between national and European parties and allow their cross-financing, provided proper rules and limitations are set in place.

⁸ Naturally, this publication should be done only after any personal data has been expunged from the applications, in line with the EU's data protection rules.

of Europe”, and with respect to national diversity and the prerogatives of national political parties, concrete attention must be given to the idea of progressively harmonising the names and logos of national and European political parties belonging to the same political family (see 0). Several national political parties have already willingly made this choice, including by adopting similar names and using the same font and visual elements for their logo.



Logos of the Alternativa Popolare (Italy), European People’s Party, and Partido Popular (Spain)

Recommendation 35c. Increase the data on the visibility of European political parties

50. Despite the introduction of European public funding in 2004 and the creation of a European status for European political parties in 2014, European citizens remain, by and large, unaware of their European parties. This is confirmed by dedicated surveys and electoral assessment on voters’ motivations and affiliations. Nevertheless, the lack of consistent and periodic data on European citizens’ awareness and perception of their European parties is damaging for a more precise understanding of their visibility and the progress made therein.
51. Exceptionally, this recommendation does not directly target Regulation 1141/2014, but remains nonetheless closely related to the topic at hand. This submission recommends the inclusion of European political parties in two major strands of publications: the European Commission’s *Eurobarometers* and the European Parliament’s *post-electoral surveys*.
52. Standard Eurobarometers include the following questions relating to the main EU institutions:⁹
 - Have you heard of...? (QA7)
 - And do you tend to trust or tend not to trust these European institutions? (QA8)

Since a previous question on trust mostly geared toward national institutions mentions political parties, these questions could be extended to include European political parties. Going further, a special or flash Eurobarometer on this topic would provide useful data to support this discussion.

53. **With regards to the EP’s post-electoral surveys,¹⁰ while their main focus on parliamentary groups is natural, they already refer to national political parties; it would therefore be informative to extend their coverage to include European parties.**

⁹ European Commission, [Standard Eurobarometer 94 – Winter 2020-2021 – Data Annex](#), p. 42, May 2021

¹⁰ European Parliament, [The 2019 post-electoral survey - Have European elections entered a new dimension?](#), September 2019

III. SUPPLEMENTARY DETAILS ON RECOMMENDATIONS

The section below proposes specific details that may be too specific for an ODIHR legal report; they aim at providing concrete examples for existing recommendations of the report.

A. Definition, Registration and Membership

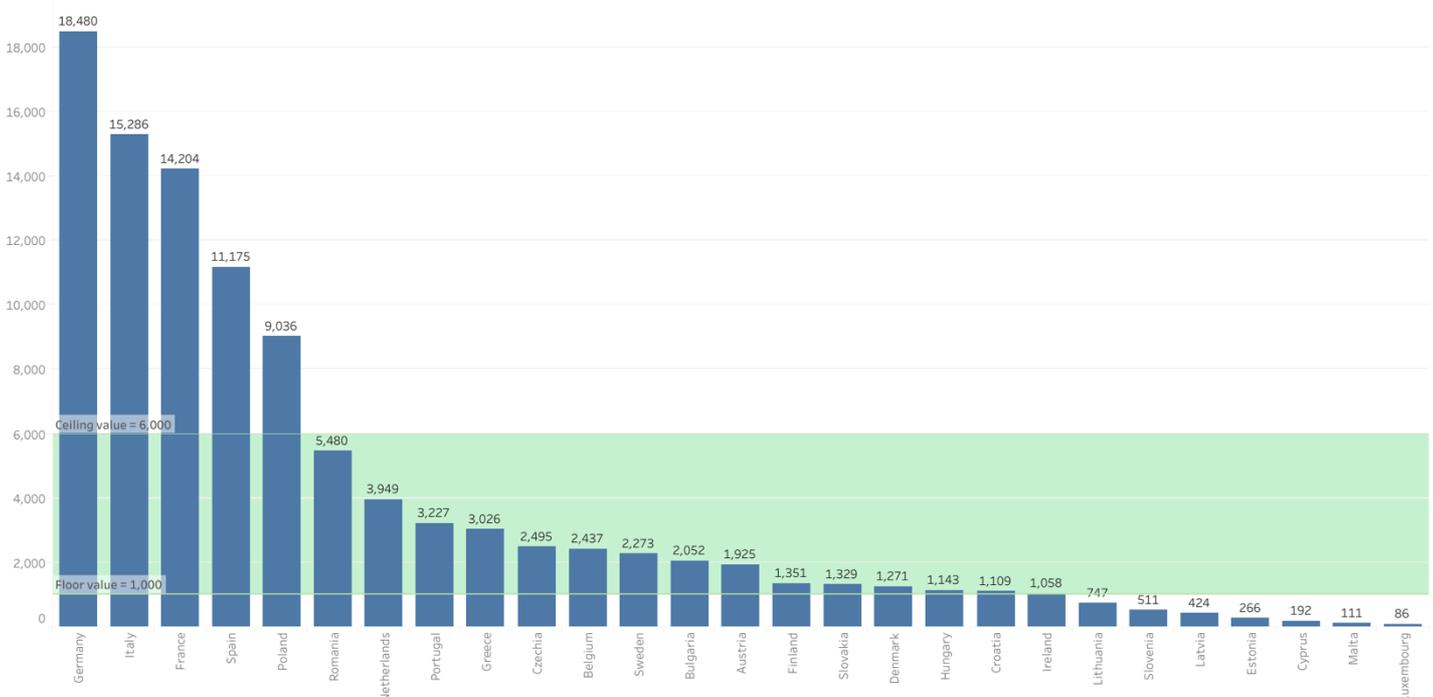
Recommendation 3. Request a minimum number of party members instead of a minimum number of votes

54. Given the requirement for applicants to be *present* in a number of Member States in order to register as European political parties (two or three Member States, in line with Recommendation 2), this recommendation proposes to assess an applicant’s “presence” through a required number of members, instead of given share of the votes at European elections.
55. Comparative research shows that EU Member States relying on the support of members for the establishment of a political party require at least 0.01 percent of the Member State’s voting population and, in average 0.03 percent. **This recommendation therefore suggests the use of a percentage between 0.01 and 0.03 percent of a Member State’s voting population, in two or three Member States (as proposed in Recommendation 2), in line with current practices at the national level. In order to account for the vast demographic disparities between EU Member States, floor and ceiling values should be used.** For instance, with a 0.03 percent requirement and given the voting populations of the Member States, floor and ceiling values of 1,000 and 6,000 could be used.

Required number of members per Member State (0.03% with proposed floor and ceiling values)

Source: European Democracy Consulting

Data: European Parliamentary Research Service (EPRS)



E. Level playing field for smaller/newer parties

Recommendation 10. Reassess the amount of the lump sum

- 56. This recommendation proposes to increase the amount of the lump sum (the sum distributed equally to all eligible European political parties) in order to allow all European political parties to operate and ensure the necessary political pluralism.
- 57. European public funding currently uses a “split envelope” mechanism: an overall amount of public funding is approved and two funding streams are fractions of this envelope. Since 2018, the lump sum is 10% of the funding envelope, and the MEP-based funding covers the remaining 90%.
- 58. Should this split-envelope mechanism remain in place, this recommendation proposes to reverse the 2018 decision to bring the lump sum down from 15% to 10%, and instead to increase it, for instance, to 20% of the total funding allocated to European political parties. Conversely, should public funding be instead based on fixed amounts, the amount of the lump sum should be evaluated based on real costs for common operations, including office space in Brussels, staff and administrative costs, and communications expenses. A floor level could be set at €400,000 with an automatic indexation on a consumer price index using Eurostat figures, as well as a re-evaluation every two or three years.

Evolution of the lump sum (2005-2021)

Source: European Democracy Consulting

Data: European Parliament



Recommendation 11. Create special, time-limited rules for new parties to facilitate the emergence of newcomers

- 59. The recommendation proposes to create a special funding regime for new political parties to facilitate their emergence and ease their financial situation in their early stage. Access to this regime would be voluntary and time-limited, for instance to one or two electoral cycles.
- 60. The current European public funding regime comprises two streams of funding: a lump sum and

MEP-based funding. This report proposes to replace MEP-based funding with vote-based funding (see Recommendation 14), and to add two more streams of funding: member-based funding (including a geographical coefficient, see Recommendation 18) and a matching fund for private donations (see Recommendation 19).

61. New political parties are unlikely to receive a large number of votes (and do not qualify for vote-based funding until they have participated in an election, which may take several years) or large donations. Depending on their appeal, they may have a non-negligible number of members.
62. **Based on these observations, several options can be designed. New parties could be provided with one or more of the following suggestions:**
 - 1) **an increased lump sum, but no other streams of funding;**
 - 2) **an increased public-to-private ratio (currently 90%), but with limited rates for the various other funding streams;**
 - 3) **an increased amount per vote, but limited to a lower number of votes (for instance, EUR 1 per vote, but only up to 1,000,000 votes);**
 - 4) **an increased amount per member, as an incentive to broaden their individual membership, but limited to a lower number of members (for instance, EUR 200 per member, but only up to 2,500 members);**
 - 5) **an increased geographical coefficient, as an incentive to broaden their presence across the EU, but with a ceiling on the member-based funding streams; or**
 - 6) **an increased matching of their private funding, but limited to a lower cumulated amount of donations (for instance, EUR 20 for each private euro raised, but only up to EUR 100,000).**

Recommendation 13. Replace MEP-based with vote-based funding to reward electoral performance

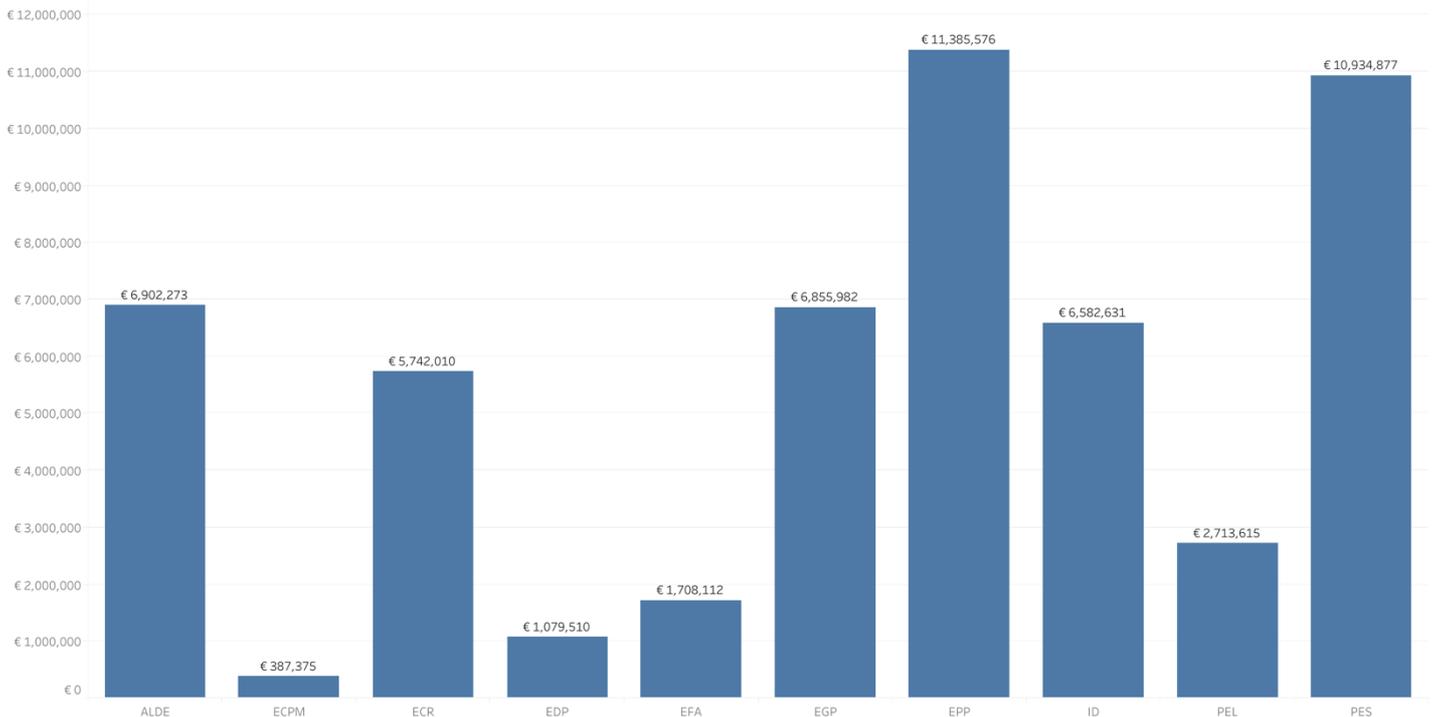
63. This recommendation proposes to base the funding stream rewarding electoral performance on European political parties' number of votes, instead of on their number of MEPs. This would more accurately assess their level of support, in particular for smaller parties which may fail to reach natural and legal electoral thresholds in a number of Member States.
64. Should the split-envelope mechanism remain in place, each European political party would receive a share of the funding rewarding electoral performance based on its share of the vote. Should public funding be instead based on fixed amounts, this funding stream can either rely on a fixed cost per vote, or on a system of brackets making financial support regressive.
65. For instance, in Austria, each vote entitles a party to roughly €4.6.¹¹ In Germany, the first 4 million votes entitle a political party to receive EUR 1 for each vote; after that, a party receives EUR 0.83 per vote.
66. In the case of European elections, given the number of voters,¹² the first ten million votes could provide European political parties with EUR 0.5 per vote, and EUR 0.25 per vote after that. Using figures from the 2019 European elections gives the distribution below, for a total of EUR 54 million (in line with the current envelope of EUR 46 million in the 2021 budget of the European Union). More brackets may be used to make distribution more regressive.

¹¹ Austria operates indirectly: parties actually receive a proportion of the overall funding equal to their share of the vote, but the amount of this overall funding is calculated as EUR 4.6 per person entitled to vote.

¹² Over 198 million ballots were cast at the 2019 European Parliament election.

67. The current diversity of voting systems used by Member States for European elections has an impact on this calculation and must be factored in. However, this is merely a technical adjustment and does not diminish the usefulness of using fixed prices per votes. Where a single vote is cast by each voter, the system is straightforward and the fixed price is attributed to each valid vote cast for the party list of the European political party or one of its national branches. Where more than one vote are cast by each voter (without ranking), the fixed price should be attributed to each valid vote cast for the party list of the European political party or one of its national branches after a pro-rata according to each list’s share of the vote. Where lists are ranked by each voter, the fixed price could be attributed to each valid vote cast for the party list of the European political party or one of its national branches as a first choice. Finally, where two or more European parties present a common list, the vote-based sum could be split in proportion to the number of individuals having made a donation to each party in the six months prior to election day; while the reliance on small donations varies between parties and Member States, this system is a sound way to assess each European party’s relative strength in a coalition. An alternative is to let the members of the coalition assess their relative strength and the distribution of this funding among themselves, though this opens the door to backroom deals and *quid pro quo* arrangements that could be detrimental to the transparency of the system and the fair rewarding of individuals’ votes.

Distribution of vote-based funding using fixed amounts
(EUR 0.5 up to 10 million votes, EUR 0.25 beyond)
Source: European Democracy Consulting



F. Structure of the public funding regime

Recommendation 15. Review the amount of public funding available to European political parties and review the co-financing requirement

68. This recommendation highlights that European political parties receive far less public funding per capita (and, often, in absolute amounts) than their national counterparts. It therefore argues for an increase in the amount of European public funding.
69. However, the recommendation also notes that European political parties are noticeably more

dependent on public funding than their national counterparts. Decreasing this dependence (whilst avoiding reliance on big donors) is important, as it strengthens the link between political parties and citizens.

70. **Therefore, in parallel to the proposed increase in the absolute amount of public funding available for European political parties, the maximum ratio of public-to-private funding should progressively decrease.**¹³
71. **Currently, European political parties can receive a maximum of 90% of their reimbursable income from public funding, while the remaining 10% must come from private funding. Assuming the entry into force of the new Regulation in 2023, this maximum rate of public funding could, for instance, remain at 90% for the years 2024-2026, and then decrease to 80% for the years 2027-2030, 70% for the years 2031-2034, and 60% starting in 2035.**

Recommendation 17. Introduce individual member-based funding to increase political participation

72. This recommendation proposes the creation of a new public funding stream based on the number of individual members of European political parties. This stream would only apply to individual members of the European political party itself, and should not include the individual members of national member parties.
73. Safeguards must be put in place to avoid fake or abusive registrations. In the Netherlands, parties are required to have at least 1,000 members paying a membership fee of at least €12. A similar system could be used for European political parties, in addition to periodic controls by the APPF of citizens' actual membership status. In order to be considered valid, individual members should have already paid their membership fee in full.
74. **Given the current quasi-absence of individual members in European parties,¹⁴ a highly regressive system could be put in place: the first thousands or tens of thousands of members would be highly valued, while the following ones would have a much lower value. For instance, European political parties could receive EUR 100 per member for the first 5,000 members and EUR 30 after that. There could be a minimum threshold on the number of members, for instance 500. A ceiling would cap this stream of funding, so as to avoid unwanted skyrocketing costs.**
75. This funding stream could prove a strong encouragement for European political parties to drastically increase their individual membership, without running the risk of seeing the costs increase out of proportion. Over time, the regressive distribution could ease, and the price difference between the first members and the remaining ones could slowly even out, thereby encouraging a larger membership.
76. **Finally, mindful of the EU's current Member State-centric political organisation, it seems important to reward not just a wide individual membership, but also a European political party's presence in a larger number of Member States – instead of building strong presences in just a few Member States. Using a distribution key similar to the one proposed as a registration criterion (see Recommendation 3), one can assess the number of Member States a party is considered “sufficiently present” in, and use this to create a simple**

¹³ In this sense, “private funding” should include membership fees and other membership-based compulsory contributions, donations, income from sales, investments or any other income-yielding activities, and grants from any non-public source derived.

¹⁴ According to the European Parliament, as of May 2021, the number of individual members of European political parties ranged from 0 for the EFA to 955 for ALDE. Out of ten European political parties, six have fewer than 12 individual members — for a Union of close to 450,000,000 citizens (Eurostat, [Visualisation: Population development and projections](#), accessed 31 May 2021).

multiplying coefficient.

77. For instance, using this coefficient, a European political party with 400,000 members spread across 20 Member States would receive more public funding than another party with 400,000 concentrated in two Member States. Through this system, European political parties would have a direct incentive to broaden their presence in Member States.
78. A number of mathematical formulas can be used to compute the proposed coefficient. In order to fit their purpose, these formulas should increase substantially between 1 and 5, and stabilise towards the maximum desired value of the coefficient between 20 and 27. This way, European political parties would have a substantial interest in having sufficient presence in several Member States, while additional Member States beyond 20 would not be overly valued. A proposed formula and the values of this coefficient for each number of Member States are given in Annex II.

Recommendation 18. Use a matching fund to strengthen private funding

79. This recommendation proposes the creation of a new public funding stream based on the matching of private donations with public funding. For this funding stream and in line with Recommendations 23 and 24, private donations should be understood as “all voluntary financial contributions, from natural persons, member or non-member” and would therefore exclude membership fees.¹⁵ This funding stream would incentivise and reward the raising of private funding, strengthening the ties between European political parties and citizens.
80. **Under this stream, each euro of private donations would be matched with a fixed sum. As with previous recommendations, a regressive system can be achieved using brackets, with each bracket matched more highly than those above it. Additionally, a cap on the cumulated amount of donations from the same donor would prevent skewing this subsidy toward high-earners.**
81. **For instance, in Germany, political parties receive EUR 0.45 of public funding for each donated euro, up to EUR 3,300 per donor and per year. In the case of European political parties, and given the very limited amount of private donations,¹⁶ each euro could be matched with EUR 10 euros in public funding up to EUR 500,000 of cumulated donations, and EUR 3 after that; only donated amounts of EUR 4,000 per donor would be taken into account.**

G. Donations and contributions, including foreign contributions

Recommendation 23. Revise donations from legal persons

82. This recommendation proposes to phase out donations from legal persons. Donations from legal persons are currently rather limited, which would make it relatively easy and feasible to progressively phase them out. However, a future increase in relevance of European political parties could make them targets for influence by private interests and see these donations increase, making this phasing out process at the same time more needed and more difficult at a later stage.¹⁷

¹⁵ In-kind contributions, loans provided under market value and sponsorships (even from natural persons) should be excluded given the difficulty to assess and match their financial value.

¹⁶ For the years 2018 and 2019, out of ten European political parties, five did not receive any donations from natural persons, three received less than 0.5% of their total funding from donations from natural persons, and two received, respectively, 1.4% and 2.5%.

¹⁷ Should the categories of private funding be revised in line with **Errore. L'origine riferimento non è stata trovata.**

- 83. In order not to unduly penalise European parties having capitalised on private donations from legal persons, increasingly low ceilings can be applied to donations from legal persons. The current ceiling stands at EUR 18,000; it could, for instance, be lowered to EUR 12,000 for the period 2026-2028, to EUR 6,000 for the period 2029-2031, to EUR 3,000 for the period 2032-3034, and to EUR 0 after that.**
84. For the period 2018-2019, the ECR received close to EUR 300,000 in donations from legal persons. During the same period, had the ceiling been set at EUR 12,000, this amount would have been around EUR 240,000. Likewise, for a ceiling of EUR 6,000, the amount would have been around EUR 140,000, and around EUR 80,000 for a ceiling at EUR 3,000. This staggered decrease is therefore likely to provide a gradual decrease, and not a sudden drop, in revenue.

[end of text]

an exception would need to be made to allow donations from certain legal entities which are members of European political parties (their national member parties).

IV. ANNEX

Annex I. Number of requested members per Member State for registration as European political party

Member State	Voting population	0.03%	Requested nber of members
Austria	6.416.177	1.925	1.925
Belgium	8.122.985	2.437	2.437
Bulgaria	6.838.863	2.052	2.052
Croatia	3.696.907	1.109	1.109
Cyprus	641.181	192	1.000
Czechia	8.316.737	2.495	2.495
Denmark	4.237.550	1.271	1.271
Estonia	885.417	266	1.000
Finland	4.504.480	1.351	1.351
France	47.345.328	14.204	6.000
Germany	61.600.263	18.480	6.000
Greece	10.088.325	3.026	3.026
Hungary	3.808.353	1.143	1.143
Ireland	3.526.023	1.058	1.058
Italy	50.952.719	15.286	6.000
Latvia	1.414.712	424	1.000
Lithuania	2.490.542	747	1.000
Luxembourg	285.435	86	1.000
Malta	371.643	111	1.000
Netherlands	13.164.688	3.949	3.949
Poland	30.118.852	9.036	6.000
Portugal	10.757.192	3.227	3.227
Romania	18.267.256	5.480	5.480
Slovakia	4.429.801	1.329	1.329
Slovenia	1.704.866	511	1.000
Spain	37.248.888	11.175	6.000
Sweden	7.576.917	2.273	2.273

Annex II. Values of the multiplying coefficient for each number of Member States

85. In order to reward a European political party's presence in a larger number of Member States, this submission proposes to multiply the membership-based sum described in Recommendation 18 using a geographical coefficient based on the number of Member States in which a European political party is present. The criteria for “presence” is based on a number of members, in line with the proposal for party registration in Recommendation 3.
86. The desired properties of the coefficient are: a quick increase in value between 1 and 5, a slow increase in value between 20 and 27, and a reasonable maximum value. This submission proposes a formula along the lines of:

$$f(x) = \frac{\log(a * x)}{x^{1/b}}$$

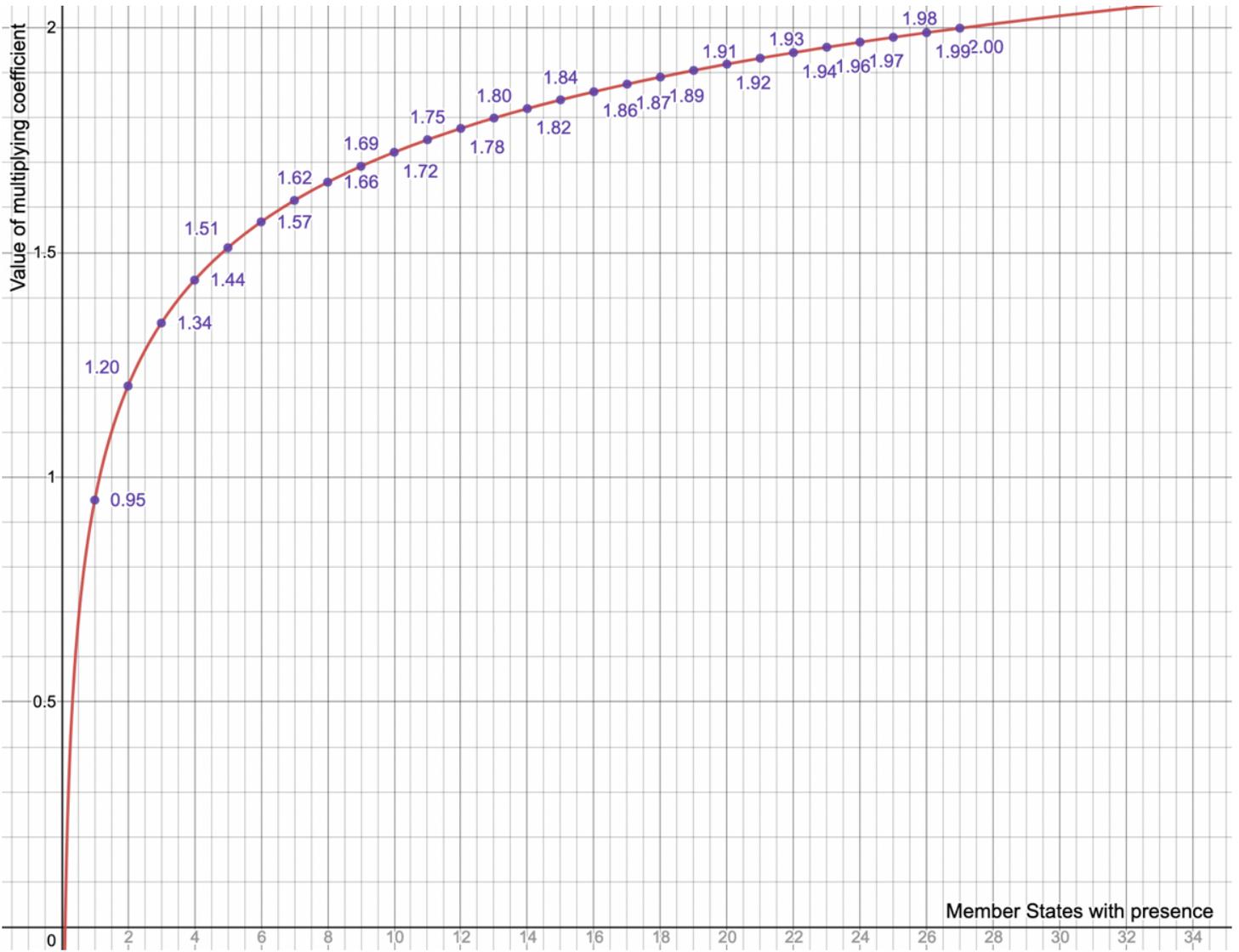
87. In order to ensure a maximum value of 2 for our multiplying coefficient (meaning, for European political parties present in all 27 Member States), the following formula may be used:

$$f(x) = \frac{\log(12 * x)}{x^{1/20}} - 0,13$$

88. The values of f(x) for x ranging from 1 to 27 are listed below. The membership-based sum calculated for each European political party would be multiplied by these values.

Number of Member States	Coefficient value	Result for initial membership-based subsidy of €400,000
1	0,95	380.000 €
2	1,20	480.000 €
3	1,34	536.000 €
4	1,44	576.000 €
5	1,51	604.000 €
6	1,57	628.000 €
7	1,62	648.000 €
8	1,66	664.000 €
9	1,69	676.000 €
10	1,72	688.000 €
11	1,75	700.000 €
12	1,78	712.000 €
13	1,80	720.000 €
14	1,82	728.000 €
15	1,84	736.000 €
16	1,86	744.000 €
17	1,87	748.000 €
18	1,89	756.000 €
19	1,91	764.000 €
20	1,92	768.000 €
21	1,93	772.000 €
22	1,94	776.000 €

23	1,96	784.000 €
24	1,97	788.000 €
25	1,98	792.000 €
26	1,99	796.000 €
27	2,00	800.000 €



Source: <https://www.desmos.com/calculator/brvruafypa>

Annex III. Comparison of the Commission’s draft provisions on governance and internal democracy (COM/2012/0499 final) with Regulation 1141/2014

The table below compares the provisions regarding governance and internal democracy included in the European Commission’s proposal with the final text of Regulation 1141/2014. Relevant changes are highlighted in red.

Proposal of the European Commission	Regulation 1141/2014
1. The statutes of a European political party shall include administrative and legal provisions covering at least the following:	1. The statutes of a European political party shall comply with the applicable law of the Member State in which it has its seat and shall include provisions covering at least the following:
(a) the name of the party, which must be clearly distinguishable, also in its short form, from that of any existing European political party,	(a) its name and logo, which must be clearly distinguishable from those of any existing European political party or European political foundation;
(b) the address of its seat, which must be in one of the Member States,	(b) the address of its seat;
(c) the legal form of the party, as recognised in the legal order of the Member State in which it has its seat,	
(d) a written political programme setting out the purpose and objectives of the party,	(c) a political programme setting out its purpose and objectives;
(e) its adherence to the no-profit principle, without prejudice to Article 12(4),	(d) a statement, in conformity with point (e) of Article 3(1), that it does not pursue profit goals;
(f) the name of its affiliated political foundation, where relevant, and a description of the formal relationship between them,	(e) where relevant, the name of its affiliated political foundation and a description of the formal relationship between them;
(g) information on the party's representation with respect to all acts of daily management, including legal representation,	
(h) the administration and financial management of the party,	(f) its administrative and financial organisation and procedures, specifying in particular the bodies and offices holding the powers of administrative, financial and legal representation and the rules on the establishment, approval and verification of annual accounts; and
(i) the bodies or natural persons holding, in each of the Member States concerned, the power of legal representation, in particular for the purposes of the acquisition or disposal of movable and immovable property and of being a party to legal proceedings,	
(j) the dissolution of the entity as a recognised European political party.	(g) the internal procedure to be followed in the event of its voluntary dissolution as a European political party.
2. The statutes of a European political party shall include rules on internal party democracy covering at least the following:	2. The statutes of a European political party shall include provisions on internal party organisation covering at least the following:
(a) the admission, resignation and exclusion of the party's members, with the list of members annexed to it,	(a) the modalities for the admission, resignation and exclusion of its members, the list of its member parties being annexed to the statutes;
(b) the rights and duties associated with all types of membership, including the rules guaranteeing the representation rights of all members, be they natural or legal persons, and the relevant voting rights,	(b) the rights and duties associated with all types of membership and the relevant voting rights;
(c) the functioning of a general assembly, at which the representation of all members must be ensured,	

<p>(d) the democratic election of and democratic decision-making processes for all other governing bodies, specifying for each its powers, responsibilities and composition, and including the modalities for the appointment and dismissal of its members and clear and transparent criteria for the selection of candidates and the election of office-holders, whose mandate must be limited in time but may be renewable,</p>	<p>(c) the powers, responsibilities and composition of its governing bodies, specifying for each the criteria for the selection of candidates and the modalities for their appointment and dismissal;</p>
<p>(e) the party's internal decision-making processes, in particular the voting procedures and quorum requirements,</p>	<p>(d) its internal decision-making processes, in particular the voting procedures and quorum requirements;</p>
<p>(f) its approach to transparency, notably on books, accounts and donations, privacy and the protection of personal data,</p>	<p>(e) its approach to transparency, in particular in relation to bookkeeping, accounts and donations, privacy and the protection of personal data; and</p>
<p>(g) the procedure for amending the statutes.</p>	<p>(f) the internal procedure for amending its statutes.</p>
<p>3. The Member State of the seat may impose additional requirements for the statutes, provided those additional requirements are not inconsistent with this Regulation.</p>	

Annex IV. Further details on best practices for internal organisation and membership

Item		Details
<i>Internal organisation</i>	Democracy	<ul style="list-style-type: none"> - Included in the statutes: a ballot among members on the dissolution or merge - Party's regional structure must be developed to a sufficient degree to enable individual members to participate on an appropriate scale in the formation of the political will of the party - Statutory provisions governing the filing of motions must be such as to ensure a democratic formation of will and in particular the adequate discussion of proposals also put forward by minorities
	Elections for party bodies	<ul style="list-style-type: none"> - Party convention: elect the chair of the regional branch, his deputies and the other members of the executive committee, the members of any other bodies that may be established and delegates in the bodies of higher-level regional branches - Executive committee: elected at least every two calendar years - Members of general party committees and similar institutions: elected also by subordinate regional branches - Members of arbitration court: elected for a maximum of 4 years - Elections of the members of the executive committee and of the delegates to delegates' assemblies as well as to bodies of higher-level regional branches shall be secret
	Accountability	<ul style="list-style-type: none"> - Progress report of the executive committee to the party convention at least every 2 years
	Powers Party Congress	<ul style="list-style-type: none"> - Included in the statutes: matters which may only be decided at members' and delegates' assemblies - Party convention: decide on programs, statutes, subscriptions, arbitration procedures, dissolution and mergers - (Next) party convention: <ol style="list-style-type: none"> a) confirm the dissolution and expulsion of subordinate regional branches or the removal from office of whole bodies of the aforementioned b) discuss published statement of account
	Powers Executive Committee(s)	<ul style="list-style-type: none"> - Included in the statutes - Executive Committee: <ol style="list-style-type: none"> a) "temporarily" exclude a member from exercising its rights (in urgent cases) b) manage and represent the regional branch as well as conduct its affairs c) receive confirmation of dissolution and expulsion of subordinate regional branches or the removal from office of whole bodies of the aforementioned d) render public account of the origin and use of funds and

		<p>of party assets</p> <p>e) help the auditor</p> <p>f) make a compulsory payment if required by the FRO</p> <ul style="list-style-type: none"> - Responsible Executive Committee member: submit application to the PoFB for the fixing and disbursement of state funds
	Powers of other organs	<ul style="list-style-type: none"> - Included in the statutes - Competent bodies: decide on the admission of new members - Institutions endowed by the statutes: deliberate and decide on question of party policy and organisation - Functions of the arbitration court: included in the arbitration court code - Higher-level regional branch: receive confirmation of the dissolution and expulsion of subordinate regional branches or the removal from office of whole bodies of the aforementioned
	Candidate selection	<ul style="list-style-type: none"> - Nominations of candidates for elections: by secret ballot - Nomination procedure: as prescribed in the electoral laws and party statutes
	Cancellation of individual party membership	<ul style="list-style-type: none"> - Included in the statutes: provisions on resignation - But expelled only if deliberately infringes the statutes or the principles of discipline of the party (inflicting serious damage on the party)
	Other disciplinary measures	<ul style="list-style-type: none"> - Included in the statutes: permissive disciplinary measures against members and/or regional branches - Dissolution and expulsion of subordinate regional branches or the removal from office of whole bodies of the aforementioned: only in cases of serious infringement of party principles or discipline
	Resolution of internal party conflict	<ul style="list-style-type: none"> - Arbitration court: <ul style="list-style-type: none"> a) settle and decide on disputes between the party or a regional branch and individual members b) settle and decide on disputes over the interpretation and implementation of the statutes c) decide on expulsions from the party d) decide on appeals against measures on the dissolution and expulsion of subordinate regional branches or the removal from office of whole bodies of the aforementioned
	Creation/dissolution of party structures	<ul style="list-style-type: none"> - Included in the statutes - Dissolution: decided by the party convention
	Frequency of meetings of party bodies	<ul style="list-style-type: none"> - Included in the statutes: the time limit for convening members' and delegates' assemblies - Party convention: at least once every 2nd calendar year
	Voting procedures	<ul style="list-style-type: none"> - Equal voting rights: party members and delegates - Bodies' resolutions: by simple majority vote (unless a higher majority is required by law or statutes)

		<ul style="list-style-type: none"> - Nominations of candidates for elections: by secret ballot
<i>Membership organisation</i>	Admission requirements	<ul style="list-style-type: none"> - Only natural persons - Included in the statutes: provisions on admission - Cannot be members: persons deprived by judicial decision of their eligibility for office or of their right to vote
	Rights	<ul style="list-style-type: none"> - Included in the statutes - Equal rights: party members and delegates
	Duties/obligations	<ul style="list-style-type: none"> - Included in the statutes - Exercise of voting rights can be made dependent on fee payment - Party members who receive donations for a party shall immediately forward them to an executive committee member who in accordance with the statutes is responsible for financial affairs
	Records of party membership	<ul style="list-style-type: none"> - Indicated in the statement of account: the number of member as of 31st December of the accounting year
	Type or form of organisational structure	<ul style="list-style-type: none"> - Parties shall be organised in regional branches - Regional branches: <ul style="list-style-type: none"> a) shall bear the name of the party and the designation of their organisational status b) conduct their affairs on the basis of their own statutes (unless specified otherwise)
	Type of party organs	<ul style="list-style-type: none"> - Essential bodies of the party and its regional branches: members' assembly and executive committee
	Composition Congress	<ul style="list-style-type: none"> - Land parties without any regional branches may replace the members' assembly with a delegates' assembly if they have more than 250 members. Delegates' assemblies may also be established for local branches which have more than 250 members or which cover a large geographical area - Members of the executive committee and members of other bodies of a regional branch may be members of a delegates' assembly (in this case the number of them eligible to vote must not exceed a fifth of the total number of assembly members) - Determined by the statutes: composition of a delegates' assembly or of any other body wholly or partly comprising delegates from regional branches (its number calculated on the basis of the number of members represented)
	Composition Executive Committee(s)	<ul style="list-style-type: none"> - The majority of its members cannot be aliens - Included in the statutes - At least three members
	Composition other organs	<ul style="list-style-type: none"> - Included in the statutes - Executive presiding committee: (may be) formed from the member of the Executive Committee - The proportion of non-elected members in the Executive Committee: $\leq 1/3$ of the total number of members of the General

		<p>Party Committee (it may be augmented by non-voting members with merely advisory functions, but even in this case the proportion of non-elected members must still be < than 1/2 of the total number of members)</p> <ul style="list-style-type: none"> - Arbitration court can comprise associate judges nominated on a parity basis by the litigants (if provided by the statutes)
	Duration party offices	<ul style="list-style-type: none"> - Delegates' assemblies: ≤ 2 years - Executive Committee: elected at least every 2 calendar years - General Party Committee: ≤ 2 years - Arbitration Court: ≤ 4 years
	Internal Incompatibility of party offices	<ul style="list-style-type: none"> - Party chairperson or party treasurer: not comparable functions in any political foundation associated with the party - Arbitration Court: a) not members of the executive committee of the party or a regional branch - b) not employed by the party or a regional branch - c) not receive regular income from them

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