

The Subsidies Act for Political Parties

(as valid on July 22, 2011)

The act of 17th May 1999, containing the regulation of subsidization of political parties (The Subsidies Act for Political Parties)

WE BEATRIX, by the grace of God, queen of the Netherlands, princess of Oranje-Nassau, etc. etc. etc.

To all, who will see, hear or read this, greetings ! and do know:

We have taken into consideration the fact that it is desirable to establish legal regulations regarding the sponsorship of political parties;

Therefore, We, the Council of State, together with the House of Representatives have heard, approved and understood and We agree that:

Section 1. General Provisions.

Article 1

In this act and in the provisions referring to it, it is understood under:

- a.
Our Minister: Our Minister of Internal Affairs and Kingdom Relations;
- b.
political party: A reunion of which the indication is registered according to the provisions of article G 1 of the Electoral Act in the register of indications for the election of the members of the House of Representatives;
- c.
members of a political party: Members with the right of meeting and voting within the meeting, that pay individually yearly contributions of € 12,- or more;
- d.
political-scientific institute: A political-scientific institute according to the provisions of article 3;
- e.
Political youth organization: A political youth organization according to the provisions of article 3;

f.
members of a political youth organization : Members not younger than 14 years and not older than 27 years and that pay yearly contributions of € 5,- or more;

g.
the seat of the Chamber: A seat in the House of Representatives and in the Senate, in case that no seats are allocated on the basis of the Electoral Act based on a list of a political party;

h.
reference date: The first day of the calendar year.

Article 2

1.
Our Minister grants subsidies to a political party who has taken part at the last organized elections for the House of Representatives or for the Senate with her indication above the list of candidates and on the list on the grounds of which one or several seats are attributed.

2.
The subsidies are granted per calendar year.

3.
No subsidies are granted to a political party that on the reference date does not count at least 1.000 members.

Article 3

1.
A political party can specify for the application of this law a political youth organization and can close with this organization a written contract for granting subsidies. A political youth organization can merely be specified by a political party.

2.
In order to be able to be specified as political youth organization, it is required that:

a.
the organization is an association that performs activities exclusively or mainly for the promotion of the political participation of youth, and

b.
from the members at least two thirds, consisting of at least hundred members, are not younger than 14 years and not older than 27 years.

3.
A political party can specify for the application of this law a political youth organization and can close with this organization a written contract for granting subsidies. A political-scientific institution can merely be specified by a political party.

4.

In order to be able to be specified as political-scientific institution, it is required that the institution is a legal body that performs exclusively or mainly political-scientific activities.

5.

Other conditions cannot be imposed to the written contracts regarding the granting of subsidies or for closing these contracts, but the ones that result from the application of this law.

Article 4

1.

The membership of a political party and of a political youth organization must result from an explicit living will of the party concerned.

2.

In case from one political party the member is another political group and that political group, on the grounds of the Electoral Act has registered her indication, the members of this political group can be considered as members of the political party mentioned in article 2, third paragraph, unless the political group is taken into consideration for subsidies on the grounds of this Act. For the membership of the members of the political group is applied the first paragraph and these members must have accepted to be considered as members of the political party.

Section 2. The subsidies

Article 5

The subsidies are granted for expenses that depend directly from the following activities:

a.

political training and formation activities;

b.

information supply;

c.

maintaining contracts with sister parties from outside the Netherlands;

d.

supporting training and formation activities to the benefit of the sister parties outside the Netherlands;

e.

political-scientific activities;

f.

activities for the promotion of the political participation of youth;

g.
attracting members;

h.
involving non-members by subsidiary activities of the political party;

i.
attraction, selection and support of political office holders;

j.
activities in the framework of election campaigns

Article 6

1.
The subsidies are maximally the total of the following amounts:

a.
a basic sum of € 169.539 [per 1 januari 2010: € 187990] and per seat of the political party, an amount of € 49.175 [per 1 januari 2010: € 54.526] and per member of the political party, an amount of € 1.856.360 [per 1 januari 2010: € 2.058.38684] divided by the number of members of all political parties together; and

b.
in case that the political party has indicated a political-scientific institution on the reference date, a basic amount of € 119.076 [per 1 januari 2010: € 132.034] and per seat of the political party, an amount of € 12.238 [[per 1 januari 2010: € 13.570]; and

c.
in case that the political party has indicated a youth organization on the reference date, an amount per seat of the political party and an amount per member of the political youth organization calculated according to the second paragraph.

2.
The amount per seat, mentioned in the first paragraph, subsection c, is calculated starting from the situation on 1st January, € 477.322 [per 1 januari 2010: € 529.269] to be divided by the amount of seats of all political parties that have indicated a political youth organization. The amount per member of the political youth organization is calculated to € 477.322 [per 1 januari 2010: € 529.269] to be divided by the amount of members of all indicated political youth organizations on 1st January.

3.
For the application of the first paragraph, for establishing an amount of seats of a political party, the amount of members of a political party and the number of members of a political youth organization starting from the reference date.

4.
In case that the political parties, on the occasion of the elections mentioned in article 2, first paragraph, have placed a combination of their registered indications or reductions over the candidate list, in divergence from the first paragraph, the basic

amounts mentioned in that paragraph are valid for these parties together and these amounts are distributed proportionally to their seats. For establishing the number of seats of the respective political parties, one starts from a declaration referring to this of the president of the House of Representatives or of the Senate.

5.

The distribution on the basis of the fourth paragraph of the basic amount, mentioned in the first paragraph, subsection b, is merely valid to the extent that the political parties and the political-scientific institution have indicated it.

6.

Our Minister adapts the amounts mentioned in the first and the second paragraph on the 1st January of each year according to the salary and price adjustment operated for the state budget.

Article 7

1.

The amount, mentioned in article 6, first paragraph, subsection b, is merely distributed provided the expenses of the indicated political-scientific institution are taken into consideration for subsidies. To the subsidies is linked the obligation that in the contract mentioned in article 3, 3rd paragraph, is established that at least the amount distributed for the political-scientific institution is paid by the political party to the political-scientific institution.

2.

The amount, mentioned in article 6, first paragraph, subsection c, is merely distributed provided the expenses of the indicated political youth organization are taken into consideration for subsidies. To the subsidies is linked the obligation that in the contract mentioned in article 3, 1st paragraph, is established that at least the amount distributed for the political youth organization is paid by the political party to the political youth organisation

Section 3. The procedure

Article 8

1.

The petition for subsidies for a calendar year will be submitted on the 1st November of the preceding year at the latest.

2.

The request for subsidies will be accompanied by a plan of activities, an estimation, a specification of the number of members on the reference date of the political party and, if applicable, of the specified political youth organization.

3.

Through the regulation of Our Minister can be set claims for the organization of the activity plan, the estimation and the specification members number of the political

party and of the named political youth organization provided it is important for the subsidies granting.

Article 9

1.

For the subsidies the obligation is implied that the political party runs such an administration, that from it at any time can be established the rights and obligations important for the subsidies, as well as the payments and takings.

2.

The accounts and the decisions and the respective decisions will be kept for ten years.

Article 10

1.

The request regarding the establishment of the subsidies is submitted within six months after the expiration of the calendar year.

2.

The request regarding the establishment of the subsidies will be accompanied by a financial report and an activity report.

3.

According to the norms considered within the company's network as acceptable and starting from the accounting the financial report comprises also an account of the expenses and the takings together with the accompanying explication important for establishing the subsidies.

4.

The financial report also comprises a specification with the data important for establishing the subsidies referring to the number of the political party's members, and if applicable of the specified political youth organization.

5.

Through the regulation of Our Minister claims for drafting the financial report can be set, the activity plan and the specification of the number of members of the political party and of the named political youth organization, provided it is important for granting the subsidies.

Article 11

1.

The political party appoints an accountant for the analysis of the financial report according to the provisions of article 393, first paragraph, Volume 2 of the Civil Code.

2.

The accountant analyses if the financial report meets the legal provisions and if the activities report, as far as he is able to evaluate that report, is compatible with the

financial report. The accountant also analyses the compliance with the obligations related to the subsidies and the correctness of the specified amount of the members of the political party and, if applicable, of the specified youth organization if important for establishing the subsidies.

3.

Through the regulation of Our Minister can be set instructions referring to the extension and intensity of the analysis.

4.

The accountant comprises the result of his analysis in a written declaration referring to the loyalty of the financial report and the compliance with the obligations related to the subsidies. The request regarding the establishment of the subsidies will be accompanied by the declaration.

5.

The political party will ensure that the accountant collaborates to the research instituted by or in the name of the accounting department of the Ministry of Internal Affairs of the activities performed by the accountant.

Article 12

Our Minister will establish the subsidies within 4 months after receiving the request for establishing the subsidies.

Article 13

Our Minister can confer advance payments for the subsidies. The advance payments amount maximally 80% of the subsidies that will be paid after a reasonable expectancy to the political party.

Section 4. Modifications of the seat distribution

Article 14

1.

In case that one election for the members of the House of Representatives or of the Senate leads to the modification of the number of seats of a political party, the adaptation of the amount to the subsidies will be carried out, that on the basis of article 6 can be maximally allocated to the political party, starting with the first day of the fifth calendar month, following the month in which the elections took place. This day will be considered the reference date mentioned in article 6, paragraph 3.

2.

In case that the elections have as a consequence the fact that in the House of Representatives are allocated seats according to the Election Act on the basis of the list of a political party according to which at the previous elections no seats were allocated, this party will be considered for subsidies starting with the first day of the calendar month following the month in which the elections took place. For the political party this day will be considered as the first reference date and the request of

subsidies, mentioned in article 8, will be submitted as soon as possible and at the latest within 3 months after this date.

3.

In case that after the elections on the list of one political party to which on the grounds of the Election Act during the previous elections have been allocated one or several seats, no seats are allocated, the subsidies, in divergence from article 2, first paragraph, are distributed to the first day from the fifth calendar month, following the month in which the elections took place.

Article 15

1.

In case one fraction from a political party in the House of Representatives is split, each new fraction that results as a consequence of this will specify a political party that, in divergence from article 2, starting with the following calendar year will be taken into consideration for subsidies, namely starting with the calendar year the basic amount mentioned in article 6, first paragraph, from the party on whose list the members of the new fraction of the House of Representatives are elected, is divided proportionally with the seats of the respective political parties. For establishing the number of seats of the respective political parties, it is started from a declaration referring to this of the president of the House of Representatives or of the Senate.

2.

The first paragraph will be accordingly applied in case of splitting the fraction of the political party in the Senate if this political party receives subsidies on the grounds of the seats in the Senate.

3.

In case two or more political parties that receive subsidies on the basis of this law are merged to a new political party, this new political party, in divergence from article 2, will be taken into consideration for subsidies starting the following calendar year.

Section 5. Expiration of the subsidization due to discrimination

Article 16

1.

In case that one political party on the grounds of the articles 137c, d, e, f, of g, or article 429 quater from the Penal Code, is sentenced to an unconditional fine, the claim for subsidies expires legally during a period that starts on the day on which the sentence has become irrevocable. This period is:

a.

one year, for a fine of less than € 1 125;

b.

two years, for a fine of € 1 125 or more, but less than € 2 250;

c.
three years, for a fine of € 2 250 or more, but less than € 3 375; and

d.
four years, for a fine of € 3 375 and more.

2.
If on the list of a political party on the list on which on the day on which the sentence has become irrevocable, on the grounds of the Election Act, no seats are allocated, on the grounds of an election that takes place within a period of two years after the day on which one or two seats are allocated, the period during which there is no claim for subsidies, goes to the day in which the election took place.

Section 6. Publication

Article 17

Each year Our Minister sends to the Parliament a survey of the subsidies granted to the political parties. A report as mentioned in article 4:24 from the General Administrative Law Act can remain in default.

Article 18

1.
A gift to a political party of € 4 537,80 or more, coming from other than a natural person, will be made public by the party. The publication of the gift takes place in any case by mentioning it in the financial report of the party. Gifts from a donor, summing up a value of € 4 537,80 or more per year will be considered for the application of this paragraph as one single gift.

2.
In the publication will be mentioned the value of the gift and the name of the donor. In case the donor complains about mentioning his name, this can be omitted, and in that case a description will be given of the category of institutions or organizations to which the donor belongs.

3.
The financial report of a political party mentions the total of gifts different from the contributions of the parties' members.

Section 7. Provisions regarding the modification, transfer and closing provisions

Article 19

[Modifies the Law on the Media]

Article 20

[Modifies the Law on the Media]

Article 21

1.

This article is applicable for the year in which this law enters into force.

2.

The request for subsidies mentioned in article 8, will be submitted as soon as possible and at the latest within three months after the beginning of the calendar year. Requests for subsidies on the grounds of the subsidies regulation for political-scientific institutions 1995, the subsidies regulation for political training and formation activities 1995 and the Temporary subsidies regulation for political youth organisations can be considered by Our Minister as a request for subsidies on the grounds of this law.

3.

If this law comes into force on another date than the 1st January, then for the application of the law the calendar year will start on the date of coming into force. In this case, the granting of subsidies will be allotted proportionally, understanding that a political party for the calendar year will not receive less subsidies than this party should have received on the grounds of the regulations mentioned in the second paragraph.

Article 22

Article 16 and section 6.1.1 of the Law of the Media 2008 are not applicable regarding the conviction for a penal fact that has been committed before the date of the coming into force of this law.

Article 23

This Act will come into force on a date that will be established by royal decree.

Article 24

This Act will be quoted as: Subsidies Act for Political Parties.

Ordain and declare that ones should be published in the Official Gazette and that all ministries, authorities, colleges and officials referred by it should contribute to its precise application.

Issued at Hague on 17th May 1999

Beatrix

The Minister of Internal Affairs and Kingdom Relations, A. Peper

Issued on the nineteenth June 1999

The Minister of Justice,

A.H. Korthals