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Committee on Legal Affairs

2012/0237(COD)

23.1.2013

OPINION

of the Committee on Legal Affairs

for the Committee on Constitutional Affairs

on the proposal for a regulation of the European Parliament and of the Council
on the statute and funding of European political parties and European political
foundations
(COM(2012)0499 – C7-0288/2012 – 2012/0237(COD))

Rapporteur: Luigi Berlinguer

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SHORT JUSTIFICATION

The rapporteur for opinion welcomes the Commission proposal for a regulation on the statute and funding of European political parties and European political foundations. The proposal includes some important suggestions contained in the EP's resolution of April 2011 and therefore lays down the possibility for a full and functioning recognition of the role of political parties across the EU, as stated in the Lisbon Treaty (Article 10 TEU) and in the Charter of Fundamental Rights.

The new legal personality of the European political parties is one of the key points of interest for the Committee on Legal Affairs. The legal personality under Union-law, as presented in the proposal, is defined as complementing and "over-arching" to a pre-existing legal personality under national law. The goal is to avoid "double standards" in the Member States between rules applying to national parties and other criteria addressed to the European parties on the other side. That aims as well at minimising the reluctance of the member States with regard to the proposal.

In fact, before they can be registered in order to obtain the legal personality under Union-law, the party or foundation must already have legal personality under the law of one Member State (association or other) and its seat there.

For the competences of the Committee on Legal Affairs, the rules on the internal governance are also extremely important as they set not only advanced common criteria of accountability and transparency, but as they pave the way to a positive spill-over effect on the internal rules and conducts of the national parties as well.

The proposal suggests the elements which must be dealt with in the statute in order to guarantee a democratic internal functioning, such as rights and duties of membership, functioning of a general assembly, election and decision-making processes for all other governing bodies. Certainly very important, in this respect, is also the reference to the possibility to remove a party from the Registry for non-respect of the minimum rules on internal democracy.

The timetable of the discussion on the proposal within the European Parliament is at the utmost importance for the Committee on Legal Affairs: in order to guarantee an effective adoption of the regulation, the Committee on Legal Affairs recommends the adoption of the European Parliament's position in due time for the preparation of the European elections of spring 2014.

AMENDMENTS

The Committee on Legal Affairs calls on the Committee on Constitutional Affairs, as the committee responsible, to incorporate the following amendments into its report:

Amendment 1

Proposal for a regulation
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) European political parties and foundations should be entitled to employ their staff under Article 2 c) of the Conditions of employment of other servants of the European Union, on an equal footing with the political groups of the European Parliament.

Amendment 2

Proposal for a regulation
Recital 10

Text proposed by the Commission

Amendment

(10) European political parties and their affiliated European political foundations, which wish to obtain recognition as such at the European level through a European legal status and to receive public funding from the general budget of the European Union, should respect certain principles and fulfil certain conditions. In particular, it is necessary for European political parties and their affiliated European political foundations to respect the values on which the European Union is founded, as set out in Article 2 of the Treaty on European Union and the Charter of Fundamental Rights of the European Union.

(10) European political parties and their affiliated European political foundations, which wish to obtain recognition as such at the European level through a European legal status and to receive public funding from the general budget of the European Union, should respect certain principles and fulfil certain conditions. In particular, it is necessary for European political parties and their affiliated European political foundations to respect the values on which the European Union is founded, as set out in Article 2 of the Treaty on European Union and the Charter of Fundamental Rights of the European Union. ***In order to allow new formations to enter the political contest and thus contribute to a vibrant democratic life in the European Union, as well as to ensure that a maximum number of party alliances fall under the transparency and supervision rules of this Regulation, the threshold for registering a European political party should be easy to meet for formally well organised transnational political alliances, without the***

precondition of electoral success.

Amendment 3

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) Principles and minimum requirements for the governance and internal organisation of European political parties should be laid down, in particular to ensure a commitment to and respect for high standards of internal party democracy. The statutes of a European political party or a European political foundation should also contain a series of basic administrative and legal provisions.

Amendment

(11) Principles and minimum requirements for the governance and internal organisation of European political parties should be laid down, in particular to ensure a commitment to and respect for high standards of internal party democracy, ***especially concerning the procedures for the selection of candidates and composition of electoral lists for the elections to the European Parliament through their constituent member parties.*** The statutes of a European political party or a European political foundation should also contain a series of basic administrative and legal provisions.

Amendment 4

Proposal for a regulation

Recital 12

Text proposed by the Commission

(12) Eligibility for funding from the general budget of the European Union should be limited to European political parties and their affiliated European political foundations that have been recognised as such and obtained a European legal status. While it is crucial to ensure that the conditions to become a European political party are not excessive but can be readily met by organised and serious transnational alliances of political parties or natural persons or both, it is also necessary to establish proportionate *criteria* in order to allocate limited

Amendment

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resources from the EU budget, which objectively demonstrate the European ambition and genuine electoral support of a European political party. Such a criterion is best based on the outcome of elections to the European Parliament, in which the European political parties are required to participate under this Regulation, providing a precise indication of the electoral recognition of a European political party. It should reflect the role the European Parliament has of directly representing the Union's citizens, assigned to it by Article 10(2) of the Treaty on European Union, as well as the objective for European political parties to participate fully in the democratic life of the Union and to become active actors of Europe's representative democracy, in order to effectively express the views, opinions and political will of the citizens of the Union. Eligibility for funding from the general budget of the European Union should therefore be limited to European political parties which are represented in the European Parliament by at least one of their members and to European political foundations which apply through a European political party that is represented in the European Parliament by at least one of its members.

resources from the EU budget, which objectively demonstrate the European ambition and genuine electoral support of a European political party. Such a criterion is best based on the outcome of elections to the European Parliament, in which the European political parties are required to participate under this Regulation, providing a precise indication of the electoral recognition of a European political party. It should reflect the role the European Parliament has of directly representing the Union's citizens, assigned to it by Article 10(2) of the Treaty on European Union, as well as the objective for European political parties to participate fully in the democratic life of the Union and to become active actors of Europe's representative democracy, in order to effectively express the views, opinions and political will of the citizens of the Union. Eligibility for funding from the general budget of the European Union should therefore be limited to European political parties which are represented in the European Parliament by at least one of their members *or have obtained a minimum level of electoral support across a significant number of Member States at the most recent elections to the European Parliament* and to European political foundations which apply through a European political party that is represented in the European Parliament by at least one of its members.

Amendment 5

Proposal for a regulation

Article 3 – paragraph 1 – point b – first subparagraph

Text proposed by the Commission

(b) it must be represented, in at least one quarter of the Member States, by Members of the European Parliament *or in the* national Parliaments, regional Parliaments

Amendment

(b) it *or its member parties* must be represented, in at least one quarter of the Member States, by Members of the European Parliament, *by Members of* national Parliaments *or by Members of*

or *regional* assemblies, or

regional Parliaments or assemblies *which are endowed with legislative powers and have been notified as such to the European Parliament*, or

Amendment 6

Proposal for a regulation

Article 3 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) it must ensure gender representation in its internal bodies and promote gender parity with regard to the composition of electoral lists.

Amendment 7

Proposal for a regulation

Article 4 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(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,

(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 *which shall be based on a democratic procedure* and the election of office-holders, whose mandate must be limited in time but may be renewable,

Amendment 8

Proposal for a regulation

Article 4 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(ea) an obligation of its member parties to select candidates for the elections to the European Parliament in an open, democratic process that allows all party members to take part, actively and passively in the selection process and in the decisions about the order of candidates on the electoral lists,

Amendment 9

Proposal for a regulation Article 9

Text proposed by the Commission

Amendment

The European political party and the European political foundation shall have full legal ***recognition and*** capacity in all Member States.

The European political party and the European political foundation shall have full legal capacity in all Member States.

Amendment 10

Proposal for a regulation Article 10 – paragraph 2

Text proposed by the Commission

Amendment

2. ***For*** matters ***not*** regulated by this Regulation ***or, where matters are partly regulated by it, for those aspects not covered by it,*** the European political party and the European political foundation shall be governed ***in*** the Member State in which it has its seat ***by those national laws applicable to the legal form referred to in the party or foundation statutes.*** Activities carried out by the European political party and the European political foundation in other Member States shall be governed by the relevant national laws of those Member

2. ***In*** matters ***that are not, or only partly,*** regulated by this Regulation ***or the respective statutes,*** the European political party and the European political foundation shall be governed ***by the laws of*** the Member State in which it has its seat. Activities carried out by the European political party and the European political foundation in other Member States shall be governed by the relevant national laws of those Member States.

States.

Amendment 11

Proposal for a regulation Article 18 – paragraph 3

Text proposed by the Commission

3. The funding of European political parties and European political foundations from the general budget of the European Union or from any other source shall not be used to finance national, regional or local referenda campaigns.

Amendment

3. The funding of European political parties and European political foundations from the general budget of the European Union or from any other source shall not be used to finance national, regional or local referenda campaigns, ***except where the referenda deal with questions related to the European Union.***

PROCEDURE

Title	Statute and funding of European political parties and European political foundations
References	COM(2012)0499 – C7-0288/2012 – 2012/0237(COD)
Committee responsible Date announced in plenary	AFCO 22.10.2012
Opinion by Date announced in plenary	JURI 22.10.2012
Rapporteur Date appointed	Luigi Berlinguer 10.10.2012
Discussed in committee	18.12.2012
Date adopted	22.1.2013
Result of final vote	+: 21 -: 1 0: 1
Members present for the final vote	Raffaele Baldassarre, Luigi Berlinguer, Sebastian Valentin Bodu, Françoise Castex, Christian Engström, Giuseppe Gargani, Lidia Joanna Geringer de Oedenberg, Sajjad Karim, Antonio Masip Hidalgo, Jiří Maštálka, Evelyn Regner, Francesco Enrico Speroni, Dimitar Stoyanov, Rebecca Taylor, Rainer Wieland, Cecilia Wikström, Tadeusz Zwiefka
Substitute(s) present for the final vote	Piotr Borys, Vytautas Landsbergis, Eva Lichtenberger, Dagmar Roth-Behrendt, József Szájer, Axel Voss