

4 July 1989 - Act on the limitation and control of election expenses [Engaged for the election of federal chambers], as well as financing and open accounting of political parties.

<Title replaced by L [1994-05-19 / 62](#), art. 1; **Effective: 25-05-1994**>

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Contents

[CHAPTER I](#) - General Provisions.

Art. 1

[CHAPTER II](#) - The limitation and control of election expenses (for elections Federal rooms). <L [1994-05-19 / 62](#), Art. 3>

Art. 2-4, 4a, 5-11, 11a, 12-14

[CHAPTER III](#) - Financing of political parties.

Art. 15, 15a, 15b, 16, 16a, 16b, 17-21

[CHAPTER IV](#) - The accounts of political parties.

Art. 22-25, 25a

[CHAPTER V](#) - Transitional and final provisions.

Art. 26-30

[ANNEX](#).

Art. N

[CHAPTER I](#) - General Provisions.

Article [.1](#) For the purposes of this Act, he meant by:

1 political party: the association of natural persons, corporate or not personality Legal, which participates in elections under the Constitution and the law, which, accordance with Article 117 of the Electoral Code, candidates to present mandates representative and senator in each (electoral district) of a Community or a region which, within the limits of the Constitution, the law, decree and order, attempts to influence the expression of the popular will as defined in its statutes or his program.

(Are considered as components of a political party, organizations, associations, regional groups and entities to a political party, regardless of their legal form, are directly related to the party, namely:

- The studies services;
 - Scientific organizations;
 - Political training institutes;
 - Producers granted political broadcasts;
 - The institution referred to in Article 22;
 - Entities formed at district level and / or constituencies
- for the elections of the federal parliament and the (Community and Regional Parliaments);
 <L 1998-11-19 / 42, art. 2 **Effective:** 11-12-1998> <L 2006-03-27 / 34, Art. 83, 008; **In Effective:** 21-04-2006>

Page 2

(- The political groups of the federal chambers, the (community of parliaments and region) and provincial councils, and institutions created in the form of an association nonprofit, which receive allocations or subsidies from these assemblies to political parties or political groups) <L 2003-04-02 / 34, Art. 2, 005; **Effective:** 01-01-2003> <L 2006-03-27 / 34, Art. 83, 008; **Effective:** 21-04-2006>

2 ° income of a political party (and its components) <L 1998-11-19 / 42, art. 2 **In Effective:** 11-12-1998>

- The allocations granted under Chapter III of this Act (and / or under other legal or regulatory provision similar); <L 1998-11-19 / 42, art. 2 **Effective:** 11-12-1998>

- (...);

- Gifts, donations and bequests;

- Group contributions of the House of Representatives, the Senate ((Parliaments community and region or) provincial councils); <L 2003-04-02 / 34, Art. 2, 005; **In Effective:** 01-01-2003> <L [2007-03-23 / 31](#), art. 2, 009; **Effective:** 28-03-2007>

- Membership fees;

- Revenue from movable or immovable assets;

- Revenue from events and publications, as well as revenue publicity;

- Contributions by party components;

- The various benefits of monetary value or can be expressed in value monetary;

3. expenses of a political party (and its components) <L 1998-11-19 / 42, art. 2 **In Effective:** 11-12-1998>

- Staff costs;

- Operating costs;

- Publications;

- The allocations granted to party components;

- Expenses related to the election propaganda;

- Expenditure on buildings;

- Miscellaneous expenses;

(3 bis political representatives: individuals who are members of an assembly parliamentary or executive of the European Union, the federal state, a Community a region, a province, a municipality or district intracommunal or were designated by one of those meetings or one of those executives, excluding officers who depend, to hold office within a legal person in public or private law)
 <L 2003-04-02 / 34, Art. 2, 005; **Effective:** 16-04-2003>

(4 ° Control Committee: a committee made up of equal numbers of members House of Representatives and the Senate, chaired by the presidents of the Chamber of and Senate. (After each full renewal of the House of and Senate, both chambers appoint their representatives within the Control Board. The commission is installed after their appointment and it is done state in a report signed by the presidents which inform the assembly. There Committee exercises the powers entrusted to it by law from the date of its installation.) <L [2008-01-18 / 30](#), art. 2, 1, 010; **Effective:** 23-01-2008>

Fixed Control Board in its statutes, the procedure for its composition, its mode of operation and method of decision-making, without prejudice to the conditions majority required by law, and establishes an internal regulation for the exercise of tasks entrusted to it by law. These statutes and regulations are published in both Belgian Official Gazette.

Page 3

The Control Commission is to be advised, the conditions laid down by the this Act, by the Court of Auditors as to the control of election expenses of parties political and individual candidates for the control of financial reports of parties policies and their components. If it deems it appropriate, the Commission may also request the opinion of the Court of Auditors to exercise its other legal powers.

(The time limits for the exercise of the powers of the Auditing Committee interrupted during the dissolution of the Federal Assembly. The new start time to run from the installation of the board.) <L [2008-01-18 / 30](#) Art. 2, 2, 010; **Effective:** 23-01-2008>

With the exception of the period provided for in Article 4a, § 2, paragraph 3, the deadlines for exercising the powers of the Control Board shall be suspended during periods of Vacation fixed pursuant to Article 10, § 1, 3 ° of the Act of 6 April 1995 organizing Parliamentary consultation committee under Article 82 of the Constitution and amending the laws on the Council of State, coordinated on 12 January 1973.) <L [2003-04-02 / 34](#), Art. 2, 005; **Effective:** 20-01-2003>

CHAPTER II. - The limitation and control of election expenses (for elections Federal rooms). <L [1994-05-19 / 62](#), Art. 3>

S. 2. <L [1994-05-19 / 62](#), Art. 4> (§ 1. Total expenditure and commitments Financial related to electoral propaganda of the political parties at the federal level to constituency level and at the level of constituencies, can not exceed, for the elections of the House of Representatives and the Senate, the amount of ((1000000) EUR). <AR [2000-07-20 / 71](#), Art. 3, 002; **Effective:** 01-01-2002>

Notwithstanding the foregoing, when several elections are held the same day, the political parties can not spend more than (1,000,000) EUR) for all their election expenses and financial commitments. <AR [2000-07-20 / 71](#), Art. 3, 002; **Effective** : 01-01-2002>

Twenty-five percent of this amount may however be charged to applicants. In this cases, the amount allocated to each candidate shall not exceed ten percent of the percentage under this paragraph.

Political parties can focus their election campaigns at the federal level, at the

electoral districts and constituencies on one or more candidates. (In this case, the parties must be able to prove that the expenditure made for this or these candidates fall consistently in the party's campaign.) <L [2007-03-23 / 31](#), art. 3, 1, 009; **Effective:** 28-03-2007>

§ 2. The total expenses and financial obligations related to electoral propaganda specific candidates can not exceed, regarding the elections for the Chamber representatives:

1 for each of the candidates placed in competition with top of the list the number of mandates obtained by their (s) list (s) in the last election and an additional candidate designated by the political party (the list of candidates presented): ((8700 euros), plus (0.035 euro)) per registered voter in previous elections to the Federal Parliament in the electoral district where the candidate is running; <L 1998-11-19 / 42, art. 3 **In Effective:** 11-12-1998> <AR 2000-07-20 / 71, Art. 3, 002; **Effective:** 01-01-2002> <L 2003-04-02 / 34, Art. 3, 005; **Effective:** 16-04-2003> <L [2007-03-23 / 31](#), art. 3, 2, 009; **In Effective:** 28-03-2007> <L [2007-03-23 / 31](#), art. 3, 2, 009; **Effective:** 28-03-2007>

2 (for a candidate on the list of a political party which, in the last election, got no mandate or do not show up in the relevant electoral district

: The amount referred to in 1 °. This candidate does not have to be that contained in head

his list;) <L 2003-04-02 / 34, Art. 3, 005; **Effective:** 16-04-2003>

3 (another candidate for each holder and the first alternate candidate, provided that the latter does not benefit from the provisions from 1: 5,000 euros) <L 2002-12-13 / 41, art. 27, 003; **Effective:** 20-01-2003>

4 ° (substitute candidate for each other, provided that it does not benefit from the provisions from 1: 2,500 euros) <Restored L 2002-12-13 / 41, art.. 27, 003; **Effective:** 20-01-2003>

§ 2a. (...) <L [2007-03-23 / 31](#), art. 3, 3, 009; **Effective:** 28-03-2007>

§ 3. The total expenses and financial obligations related to electoral propaganda specific candidates can not exceed, in respect of the Senate elections:

1 for each of the candidates placed in competition with top of the list the number of mandates obtained by their (s) list (s) in the last election and an additional candidate designated by the political party (the list of candidates presented): ((8700 euros), plus (0.0175 euro) per valid vote cast in the previous election in favor, respectively, French or Dutch electoral college; <AR 2000-07-20 / 71, Art. 3, 002; **Effective:** 01-01-2002> <L 2003-04-02 / 34, Art. 3, 005; **Effective:** 16-04-2003> <L [2007-03-23 / 31](#) Art. 3, 4, 009; **Effective:** 28-03-2007>

(2 ° for a candidate on the list of a political party which, in the last election, got no mandate or do not show up in the constituency concerned: the amount referred to in 1 °. This candidate does not have to be the one who is at the top of his list;)

<L 2003-04-02 / 34, Art. 3, 005; **Effective:** 16-04-2003>

3 (another candidate for each holder and the first alternate candidate, provided that the latter did not benefit provisions from 1: 10,000 Euros;) <L 2002-12-13 / 41, art. 27 003; **Effective:** 20-01-2003>

4 ° (substitute candidate for each other, provided that it does not benefit from the provisions from 1: 5,000 euros) <Restored L 2002-12-13 / 41, art.. 27, 003; **Effective:** 20-01-2003>

§ 4. If several candidates from the same list Partner to their electoral propaganda, they

must determine beforehand and in writing the share of expenditure which will be charged to their respective quorum.

(Paragraph 2 repealed) <L 2003-04-02 / 34, Art. 3, 005; **Effective:** 16-04-2003>

§ 5. If, when several elections are held the same day a candidate is surplus a list, the maximum amounts provided for by the laws on limitation and control election expenses for candidates committed can not be added together. Only highest maximum amount is considered.

§ 6. The amounts provided in §§ 1-3 are adapted to changes in production costs advertising media used in election campaigns in a designed formula by Royal Decree deliberated in the Council of Ministers on the basis of the pivot index applicable to 1 January 1994.)

S. 3 . The Minister of Interior shall, within twenty days before the election, the maximum amounts calculated in accordance with Article 2 § 2, 1 ° and § 3, 1, as determined candidates can spend.

Art. 4 . § 1. (be considered as expenses for electioneering purposes of this Act all expenditure and all financial obligations related to verbal messages, written, audio and visual for favorably influence the outcome a political party and its candidates and, as appropriate are issued within three months Previous elections held pursuant to section 105 of the Electoral Code or the If extraordinary elections during the period starts on the day of publication in the Belgian Official Gazette of the Royal Decree convening the electoral colleges Room

Federal and ends on Election Day. However if in case of extraordinary elections, publication of the Royal Decree takes place after the start of the abovementioned period of three months, the time limit already elapsed is taken into account.)

(§ 2. Also considered electioneering expenses referred to in § 1, expenses incurred by third parties for political parties or candidates, unless that the latter:

- Do not put as soon as they learned of the campaign by the third party in question, they notice, by registered mail, to stop this campaign;
- Do not transmit a copy of that letter, with or without the written agreement of third stop the campaign, the presidents of the main offices, which, pursuant to Article 94ter, § 1, paragraph 1, of the Electoral Code, may make a report on spending electioneering incurred by candidates and political parties. These presidents join this or these documents to the declarations of election expenses and origin of funds filed by parties or candidates concerned.) <L 2003-04-02 / 34, Art. 4, 005; **In Effective:** 16-04-2003>

(§ 3) are not considered as expenditure of election propaganda: <L 2003-04-02/34, s. 4, 005; **Effective:** 16-04-2003>

1. the provision of unpaid personal services and the use of a vehicle staff;
2. the publication in a newspaper or periodical feature articles, provided that such publication is done in the same way and under the same rules as outside the election period without payment, reward or promise of payment or reward, that

will not act on a daily or periodical or created for the elections and the distribution and frequency of publication are the same as outside the period election;

3 broadcast on radio or television programs with advice or comments, provided that these emissions are performed in the same manner and according to the same rules as outside election periods, without payment, reward or promise payment or compensation;

4. broadcasting on radio or television broadcast of an election or series of election broadcasts, provided that representatives of political parties referred to in Article 1 can participate in these programs;

5. broadcasting on radio or television election broadcasts, provided that their number and duration are determined by the number of party representatives policies within legislatures.

(6 ° the cost of periodic events, provided that they:

- Have not purely electoral aims;

- Have a regular and recurring nature and have the same characteristics as

Concerning the organization; periodicity is assessed either on the basis of a reference period two years preceding the period referred to in § 1, in which event

concerned must have occurred at least once a year, either on the basis of a period of

Reference four years preceding the period referred to in § 1, during which the

current event must have occurred at least once every two years. If the

expenses incurred for advertising and invitations are however manifestly

exceptional compared to the usual course of such an event, they must,

exceptionally, be imputed as election expenses;

7. Pay the cost of non-periodic events organized for electoral purposes, to the extent that expenses are covered by revenues, with the exception of those from sponsorship, and where it is not expenses incurred for advertising and invitations. If expenses are not covered by revenue, the difference must be

recorded as an election expense;

8th expenditures incurred, during the electoral period, as part of the operation normal party at national or local level, particularly for the organization of congresses and party meetings. However, if the expenses incurred for advertising and invitations clearly exceptional compared to the usual course of such events, they must, exceptionally, be imputed as election expenses;

9 ° expenses related to the creation, adaptation and application management to the Internet, provided that they take place in the same way and under the same rules that outside the reference period.) <L 2003-04-02 / 34, Art. 4, 005; **Effective:** 16-04-2003>

(§ 4. The expenses and financial obligations related to goods, supplies and Services under the application (of §§ 1 and 2), shall be charged at market prices.) <L 2003-04-02 / 34, Art. 4, 005; **Effective:** 16-04-2003>

(Amending references:

- L 1991-05-21 / 56, Art. 1

- L 1993-06-18 / 34, Art. 2

- L 1994-05-19 / 62, Art. 5

- L 1994-07-12 / 31, art. 1, § 1
- L 1995-04-10 / 34, Art. 2 **Effective:** 25-04-1995)

[Art. 4a](#) . <INSE "re L 1994-07-12 / 31, art. 2> § 1. The Audit Board held monitor all communications and information campaigns, regardless of the medium media, the Federal Government or of one or more of its members, Community governments or region or one or more of their members, colleges referred to in Article 60 of the Special Law of 12 January 1989 on institutions Brussels or of one or more of their members, of one or more state secretaries Regional referred to in Article 41 of the special law, the presidents of Federal Parliament, Presidents (the community or Regional Parliaments) and the chairmen of the gathered assembly and linguistic groups referred to in Article 60 of the Special Law of 12 January 1989 on the Brussels institutions, to the public, which they are not not required under any legal or administrative provision and which are financed directly or indirectly by public funds. <L [2007-03-23 / 31](#) Art. 4, 009; **Effective:** 28-03-2007>

§ 2. The Federal Government or one or more of its members, the Governments community or region or one or more of their members, colleges referred to in Article 60 of the Special Law of 12 January 1989 relating to Brussels institutions or one or several of their members, one or more regional State Secretaries referred to in Article 41 the same special law, the presidents of the Federal Parliament, the presidents (of Parliaments community or region) and the presidents of the assembly gathered and groups language referred to in Article 60 of the Special Law of 12 January 1989 on institutions Brussels who want to start a communication or information campaign referred in § 1 must file, prior to the broadcast, a briefing note from the Control Board. <L [2007-03-23 / 31](#), art. 4, 009; **Effective:** 28-03-2007>

This note reproduces the content and reasons for communication or campaign Information, the means used, the total cost and consulted firms.

Within fifteen days following the filing of the summary note, the Control Commission makes a non-binding opinion.

The opinion is negative if the communication or campaign is, in whole or in part, promoting the personal image of one or more members of the institutions times § 1 or the image of a political party.

In the event that the Commission has not delivered its opinion within the period of fifteen days, the notice is deemed to be positive.

§ 3. Within fifteen days following the publication or dissemination of communication or the information campaign, at the request of one third of the members of each group language, the Control Commission grabbed the folder for which a negative opinion was rendering.

The Commission also has before under the same procedure if the content of communication or information campaign, stated in the executive summary, was modified.

§ 4. If the communication or the information campaign aims to promote personal image of one or more members of the Federal Government, one or several members of the community or regional governments, one or more

Member colleges referred to in Article 60 of the Special Law of 12 January 1989 on Brussels institutions, of one or more regional State Secretaries referred to in Article 41 the same special law, the presidents of the Federal Parliament, the Presidents of (the Community or Regional Parliaments) or presidents of the assembly gathered and language groups mentioned in Article 60 of the Special Law of 12 January 1989 on Brussels institutions or the image of a political party, the Commission shall charge fees this communication or campaign on election spending by interested at next elections which they arise. <L [2007-03-23 / 31](#) Art. 4, 009; **Effective:** 28-03-2007>

In cases where the opinion of the Review Board as provided by this section will not been requested, the cost of communication or campaign is automatically charged to election expenses interested in the next election which they exhibit. To do so, the Control Commission seized automatically.

The reasoned decision of the Commission visited the month following the referral, the respect for the rights of defense.

The decision of the Control Commission shall be taken by simple majority in each group linguistics.

This decision is communicated to interested parties within seven days.

It is published in the Moniteur Belge.

[Art. 5](#) . (1. (During the deadlines defined in Article 4, § 1, political parties and candidates and third parties who wish to make propaganda for political parties or
) candidates

1 (can not use signs or commercial billboards);

((2) may not use panels or noncommercial advertising posters of area of more than 4 m²) <L 2003-04-02 / 34, Art. 5, 005; **Effective:** 16-04-2003>

(3 ° can not sell or distribute gadgets gifts or gadgets, whatever the distribution mode and without prejudice to Article 184 of the Electoral Code, except for candidates and persons who, pursuant to Article 4, § 3, 1 °, make electoral propaganda not paid in favor of political parties and candidates. By gadgets, is meant all objects, except printed on paper or any other information medium conveying a political message containing only opinions or illustrations which are used as souvenirs, accessories, trinkets and everyday objects whose person which distributes the hope that the recipient subsequently affect the use to which they are normally intended and that on this occasion, users perceive each Once the message appearing on the object;) <L 2003-04-02 / 34, Art. 5, 005; **Effective:** 16-04-2003>

(4 ° can not organize sales campaign by telephone;

5 ° (can not broadcast commercials in the commercial radio, television and in movie theaters or paid messages on the Internet.) <L [2007-03-23/31](#) Art. 5, 009; **Effective:** 28-03-2007>

(§ 2. In the same period, the provincial governor or the administrative district Brussels Capital fixed, by police order, the procedures for affixing posters election and organization of motor homes.) <L 2003-04-02 / 34, Art. 5, 005; **In Effective:** 16-04-2003>

[Art. 6](#) . <L 2003-04-02 / 34, Art. 6, 005; **Effective:** 16-04-2003> When they demand a list number, political parties file a written declaration that they undertake:

1. comply with the legal provisions relating to restrictions and control of expenditure election;
2. declare, against receipt and within forty-five days after the date of elections, election expenses and origin of funds that were allocated to the y Chairman of the main office of the electoral district for the election of the House representatives, in whose jurisdiction the party headquarters is established, and transmit in for the exercise of the right of consultation under Article 94ter, § 2, paragraph 2, of the Code election, a copy of the statement, as applicable, to the Chairman of the electoral college French or Dutch electoral college;
- 3 to keep for two years from the election date, the documents supporting documents regarding election expenses and origin of funds.

As far as donations are mentioned in their declaration of origin of the funds they further undertake to record the identity of individuals who made donations And 125 euros for the financing of election expenses, not to disclose and communicate within forty-five days after the election date to the Commission Control responsible for ensuring compliance with this obligation under Article 16bis.

The written declaration, the declaration of election expenses and the original declaration funds and acknowledgment are set on special forms prepared by the Minister of the Interior and published in due course in the Belgian Monitor. The forms bearing the declaration of election expenses and the declaration of origin of the funds and the Registration forms referred to in paragraph 2 are made available to political parties at the latest when they ask a list number.

These forms are signed, dated and deposited against a receipt, by seekers.

The King, by decree deliberated in the Council of Ministers, deposit the terms of the declaration of election expenses and the declaration of origin of the funds and the how these declarations will be inventoried and stored.

[Art. 7](#) . <Amending provision of the Election Code>

[Art. 8](#) . <Amending provision of the Election Code>

[S. 9](#) . <Amending provision of the Election Code>

[Art. 10](#) . <Amending provision of the Election Code>

[Art. 11](#) . <Amending provision of the Election Code>

[Art. 11bis](#) . <Inserted by L 2003-04-02 / 34, Art. 7; **Effective:** 16-04-2003> Presidents

Article 94ter, § 2 of the Electoral Code to make loading, pursuant to Article 1 4. paragraph 3, within one month, an opinion concerning the accuracy and completeness of such relations. (Review by the Court of Auditors suspend the period prescribed in Article 12, § 1.) <L [2007-03-23 / 31](#) Art. 6, 009; **Effective:** 28-03-2007>

[Art. 12](#) . <L [2003-04-02 / 34](#), Art. 8, 005; **Effective:** 16-04-2003> § 1. Without prejudice to the (Article 1, 4, paragraphs 4 and 5), the statue Control Commission within one hundred eighty days after the Election Day, public meeting, in compliance with the rights of defense and having heard the opinion of the Court of Auditors pursuant to Article 11a, about the accuracy or completeness of the reports under Article 94ter of the Code election (it being understood that the commission has in any case of ninety days after its installation). (For the purpose of fulfilling its mission, it can), pursuant to procedure provided by its internal regulations, ask for any information Further that would be necessary for its task. <L [2007-03-23 / 31](#), art. 7, 009; **In Effective:** 28-03-2007> <L [2008-01-18 / 30](#), art. 3, 010; **Effective:** 23-01-2008>

§ 2. The decisions referred to in § 1, including those made under Articles 13 and 14, § 2, due to the violation of Articles 2, 4 and 5, § 1, found by it, and motivation are included in a report approved by the Audit Commission.

This report shall contain at least the following data:

- 1 by political party, the total amount of election expenses incurred for this party;
- 2 by constituency, the total amount of election expenses incurred each list and the total amount spent for all candidates of that list and elected for each separately.

The opinion of the Court of Auditors is attached to the report.

§ 3. The Speakers of the House of Representatives and the Senate shall forthwith communicate a copy of the report, by registered mail, as applicable, to the political party or the person in respect of which the commission has taken the decision referred to in § 2, section 1.

They shall also send without delay a copy of the report to Monitor services Belgian, who publish in the Annexes to the Belgian Official Gazette within thirty days of its reception.

[Art. 13](#) . ((In case of violation of Article 2, § 1) the political party loses (for the subsequent period set by the Audit Commission, which may not be less than one months or more than four months), the right to the allocation provided for in Article 15. <L 1993-06-18/34, s. 6> <W 1994-05-19 / 62, Art. 7> <L 2003-04-02 / 34, Art. 9, 005; **Effective:** 16-04-2003> <L [2007-03-23 / 31](#), art. 8, 009; **Effective:** 28-03-2007>

[Art. 14](#) . <L 1991-05-21 / 56, Art. 2> (§ 1. Shall be punished by the penalties provided for in Article 181 of the Code Election:

- 1 ° whoever makes propaganda expenses or taken commitments election without notifying the chairman of the main office concerned;
- 2 ° anyone who knowingly makes expenditures or commitments made in terms of electioneering exceeding the maximum amounts provided for in Article 2, §§ 2 and 3;
- (3 ° (whoever failed to declare his election expenses and / or origin of funds the deadline set in Article 116, § 6, of the Electoral Code)
- (4 ° whoever does not respect the provisions of Article 5).)

§ 2. Any offense under § 1 is liable to prosecution or to the prosecutor's initiative King, or (on termination) of the Control Board or (a complaint) any

person establishing an interest. <L [2007-03-23 / 31](#), art. 9, 1, 009; **Effective:** 28-03-2007>

§ 3. The period for the exercise of the public prosecutor's right of initiative (the accusations) and the introduction of complaints regarding offenses referred to in § 1 expires (two hundredth) day after the elections (with the understanding that the Control Commission has in any case within a period of one hundred and ten days after installation). (In respect of the Commission control, this period is interrupted or suspended in accordance with (Article 1, 4, paragraphs 4 and 5).) <L 2003-04-02 / 34, Art. 10, 005; **Effective:** 16-04-2003> <L [2007-03-23 / 31](#), art. 9, 2, 009; **Effective:** 28-03-2007> <L [2008-01-18 / 30](#), art. 4, 010; **Effective:** 23-01-2008> (Regarding the denunciations made by the Audit Commission, the Attorney King has in any case within thirty days from the receipt of the information for the exercise of public action.) <L [2007-03-23 / 31](#) Art. 9, 2, 009; **Effective:** 28-03-2007>

The public prosecutor transmits to the Control Commission a copy of the complaints do not emanate from the latter, within eight days of receipt. Crown Counsel notify the Control Commission, at the same time, his decision to prosecute relating to the facts referred to in § 1.

(Within thirty days of receipt of the copy of the complaint lodged or decision prosecute), the Control Commission makes to the public prosecutor Review motivated complaints and prosecutions of which it has been informed by the public prosecutor in accordance with the preceding paragraph.

The notice period shall suspend the proceedings.

§ 4. Any person who has lodged a complaint or legal action that proves unfounded and why malicious intent is established shall be punished by a fine of 50 to 500 francs.)

(Other amending references:

- L 1993-06-18 / 34, Art. 7
- L 1994-05-19 / 62, Art. 8
- L 1998-11-19 / 42, art. 6 **Effective:** 11-12-1998)

[CHAPTER III.](#) - Financing of political parties.

[Art.](#) 15 . The House of Representatives and the Senate, each in regard to, agree, for each political party that is represented (in one) meetings by at least one Parliamentary directly elected an allocation to the institution as defined in Article 22. This staffing is fixed and allocated in accordance with the following articles. <L 2005-02-17 / 56, Art. 2, 006; **In Effective:** 01-06-2003>

[Art.](#) 15bis . <Inserted by L 1995-04-10 / 33, art. 1 **Effective:** 25-04-1995> To eligible for the funds provided for in Article 15, each party shall, (...), to include in its statutes or in his program a provision by which it undertakes to respect in action policy he intends to implement, and enforce its various components and its elected representatives, at least the rights and freedoms guaranteed by the European Convention of human rights and fundamental freedoms of 4 November 1950 and approved by the Act of May 13, 1955, and the additional protocols to the Convention into force in Belgium. <L [2007-03-23 / 31](#), art. 11, 009; **Effective:** 28-03-2007>

[Art.](#) 15b . <Inserted by L 1999-02-12 / 40, art. 2 **Effective:** 18-03-1999> § 1. Where political party by his own act or that of its components, its lists, its candidates or its elected representatives, shows manifestly and through several consistent evidence his hostility to the rights and freedoms guaranteed by the Convention Protection of Human Rights and Fundamental Freedoms of 4 November 1950,

approved by the Law of May 13, 1955, and the additional protocols to this Convention force in Belgium, staffing, which under this Chapter is allocated to the institution referred to in Article 22 shall, if (the general assembly of the administration section) of the Board State decides, be removed within fifteen days by the Audit Commission the amount decided by the Council of State. <L 2005-02-17 / 62, Art. 9, 1, 007; **In Effective:** 13-10-2005>

(A request from at least one third of the members of the Control Commission should be addressed directly to the Council of State. To be accepted, the application and transmitted indicates the name of the plaintiffs, the institution referred to in Article 22 against which the application is directed, a description of the corresponding facts and clues so the or the rights enshrined in the Convention referred to in the preceding paragraph and to whom it is claimed that the offending party has shown its hostility. The application also refers to natural and legal persons involved in the foregoing. The King may set Additional rules concerning the content of the request. The State Council say, within six months of referral, a duly reasoned judgment and may decide to delete the allocation which, under this chapter, is allocated to the institution referred to Article 22 is not to exceed twice the amount of expenditure or performed for the doing of that act, either for a period not less than three months or more than one year.) <L 2005-02-17 / 62, Art. 9, 2, 007; **Effective:** 13-10-2005>

(The State Council may order the publication or dissemination of the judgment or summary thereof through logs or otherwise, to the institution's benefit referred to Article 22, which is sanctioned.) <L 2005-02-17 / 62, Art. 9, 3, 007; **Effective:** 13-10-2005>

§ 2. (The parties may establish their application and other written procedures and their statements in the language of their choice.

These applications, writings and statements are translated by the services of the State Council where a party establishing an interest requested.

Pleadings issued by the State Council organs and the judgments are in the language of the linguistic group to which the deputies or senators belong political party described in § 1, paragraph 2. They are translated by the services of the State Council where a party establishing an interest requested.

When the political party concerned account the deputies or senators who do not belong exclusively to one of the French language groups or any language group Dutch House and Senate, the pleadings from the Council of State and that the judgments are reported in French and Dutch as well as German when part establishing an interest requested.

Requests and other written procedural co-signed by deputies or senators do not belong exclusively to one of the French linguistic groups or one of Dutch linguistic groups of the House and the Senate, may be established in two or three national languages, as applicable. Procedural acts emanating from the organs the Council of State, and its judgments are in reported cases in two or three languages National, as appropriate. The services of the State Council provide translation of documents and statements of other parties where a party establishing an interest requires it.) <L 2005-02-17 / 62, Art. 9, 4, 007; **Effective:** 13-10-2005>

§ 3. (...) <L 2005-02-17 / 62, Art. 9, 5, 007; **Effective:** 13-10-2005>

[Art. 16](#) . The total annual allocation for each political party that meets the Conditions (Articles 15 and 15bis), consists of: <L 1995-04-10 / 33,

art. 2 **Effective: 25-04-1995**); <L 1993-06-18 / 34, Art. 8> <AR 2000-07-20/71, s. 3, 002; **Effective: 01-01-2002**>

2. an additional \$ ((1.25) EUR) per valid vote, whether a vote list or a nominal vote, issued on the lists of candidates recognized by the party in the last parliamentary elections for the complete renewal of the Chamber of and Senate. <L 1993-06-18 / 34, Art. 8> <AR 2000-07-20 / 71, Art. 3, 002; **In Effective: 01-01-2002**>

(Each party may waive the benefit of staffing allocated to him pursuant to paragraph 1.) <L 1993-06-18 / 34, Art. 8>

[Art. 16bis](#) . <L 1993-06-18 / 34, Art. 9> Only natural persons can make donations to political parties (and their components) to lists, candidates and the political representatives. Candidates and political representatives can nevertheless receive donations of the political party or list on whose behalf they are candidates or exercise a mandate. (Similarly, components may receive donations from their party policy and vice versa.) Notwithstanding the foregoing provisions are prohibited donations to individuals acting in reality as intermediaries for legal persons or associations of fact.)

((Without prejudice to the registration requirement under Article 6, paragraph 2, and Article 116, § 6, paragraph 2 of the Electoral Code, the identity of individuals who are, in any form whatsoever, donations of 125 euros and more for political parties and their components, to lists, candidates and political representatives is saved annually by beneficiaries.) Political parties and their components, lists, candidates and political representatives can each receive annually as donations from the same natural person, an amount not exceeding (500 EUR), or against its value. The donor can spend each year an amount not exceeding (2 000 EUR) or the counter value of this amount, donations to political parties and their components, lists, candidates and political representatives.) (The payments that agents policies are doing to their political party or its components are not considered donations.) <AR 2000-07-20 / 71, Art. 3, 002; **Effective: 01-01-2002**> <L 2003-04-02 / 34, Art. 11, 005; **Effective: 16-04-2003**>

The services provided for free or less than the actual cost by legal persons (physical persons) or because of associations are treated donations, as well as opening credit lines without repayment obligation. Also considered as donations from legal persons (, people physical) and associations of fact, the charges made by a political party or a candidate for a clearly exceeds the cost of the market.

The political party who accepts a donation in breach of this provision, loses at competition double the amount of the gift, his right to endowment that, under Chapter III of this Act, would be allocated to the institution referred to in Article 22 during the months of constitution of the offense by the Control Board.

(Whoever, in violation of this provision will be donated to a political party, one of its components - regardless of its legal form - in a list, a candidate or a political agent or whatever, as candidate or political representative, will

accepted a donation, be punished by a fine of 26 francs to 100,000 francs. Whoever, without being a candidate or political agent, has accepted such a gift in the name and for the account of a party policy, a list, a candidate or a political representative, shall be punished with the same penalty.)

The First Book of the Penal Code, including Chapter VII and Article 85, is applicable to these offenses.

If the court orders otherwise, the judgment may be published in whole or in part, in the and weekly newspapers it designates.)

(Other amending references:

- L 1994-05-19 / 62, Art. 9
- L 1998-11-19 / 42, art. 7 ED: 11-12-1998)

Art. 16b . <L [2007-03-23 / 31](#), art. 13, 009; **Effective:** 28-03-2007> § 1. After Each year, political parties and their components, as well as representatives policy, established in the order of their receipt the statement referred to in Article 16bis, paragraph 2 of all donations of 125 euros or more that have been allocated to them in any form whatsoever, during the past year.

§ 2. The statement mentions the full name of the natural person who made the donation, full address (street, number and municipality of principal residence), its nationality, the amount of each donation, the date it was received and the total amount of all donations that have been received during the past year.

§ 3. The statement is deposited against a receipt, no later than April 30 of the year following that in which it relates, to the Control Commission that monitors compliance with obligations provided for in Article 16bis and this section.

§ 4. The King, by Royal Decree deliberated in the Council of Ministers, the model surveys under this Article and Articles 6 and 16bis, as well as the statements referred to in Article 116, § 6, paragraph 2 of the Electoral Code.

§ 5. When a political party or one of its components does not introduce the statement referred to in § 1 or introduced too late, the party loses the right to the allocation provided for in Article 15 in the subsequent period determined by the Audit Commission and can not be less than one month nor more than four months.

§ 6. The political agent which does not introduce the statement referred to in § 1 or introduced too late is punishable by a fine of 26 euros to 100,000 euros.

Art. 17 . The indication of (initials or logo) protected or common outweighs the order number recognition of lists of candidates in accordance with Article 115a of Electoral Code. <L 2003-02-19 / 42, art. 12, 004; **Effective:** 31-03-2003>

Art. 18. <L 2003-04-02 / 34, Art. 13, 005; **Effective:** 16-04-2003> The amounts referred to Article 16, 1 and 2 are adapted to the changes in the price index consumption. Basic indices respectively than in January 1993 and January 2003.

[¹ The adjustment based on changes in the consumer price index referred to paragraph 1 shall not apply to fiscal years 2012 and 2013.]

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(1) <L [2012-02-15 / 10](#) Art. 2, 011; **Effective:** 06-03-2012>

[Art. 19](#) . The appropriations respectively in the House of Representatives and the Senate are Depreciation entered in the budget.

The amount referred to in Article 16, 1 °, is equally divided between the House of Representatives and the Senate.

[Art. 20](#) . Staffing, as established in Articles 15, 16, 18 and 19, is calculated and paid (Monthly). <L 1993-06-18 / 34, Art. 11>

The calculation is made on the basis of data available on the first day (of the month) for which the grant is paid. <L 1993-06-18 / 34, Art. 11>

[Art. 21](#) . Staffing must be a request (monthly) written before the end (of the month) concerned. <L 1993-06-18 / 34, Art. 11>

This request is sent by the institution referred to in Article 22 to the Chamber of Presidents

of Representatives and the Senate.

[CHAPTER IV.](#) - The accounts of political parties.

[Art. 22](#) . Each political party that meets the conditions set (Articles 15 and 15bis) means the institution constituted as a non-profit organization that receives the allocation granted under Chapter III. <L 1995-04-10 / 33, art. 3, ED: 25-04-1995>

(The institution referred to in paragraph 1 is to:

- Public grants to cash;
- Establish an annual central list of donations (EUR 125) and the components more facts the party by natural persons for which a receipt was issued; <AR 2000-07-20 / 71, art. 3, 002; **Effective:** 01-01-2002>
- Establish the list of party components that are part of the consolidation scope;
- Oversee administratively components referred to in the previous indent and check that they comply with the legal rules relating to the accounts of political parties.) <L 1998-11-19 / 42, art. 9 **Effective:** 01-01-1999>

By decree deliberated in the Council of Ministers, the King approved a political party and by institution establishes the procedures for recording and closing of accounts and revenues of the institution.

[Art. 23](#) . <L 1999-06-23 / 38, art. 2 **Effective:** 29-08-1999> § 1. The Board institution's administration referred to in Article 22 establishes a financial report on the accounts annual political party and its components.

The financial report is prepared annually in accordance with the provisions of the Act of 17 July 1975 concerning the accounting and annual accounts of companies and its arrested execution.

The financial report includes at least the documents listed in the Annex to this law, where applicable in the form prescribed by this annex.

§ 2. générale meeting of the institution referred to in Article 22 means a reviewer business. The auditor prepares an annual report on the financial report referred to in § 1.

[Art. 24](#) . The report referred to in Article 23 is sent in (one hundred twenty days) of closing

accounts Minister of Finance and the presidents of the House of Representatives and the Senate (which shall ensure that the report be published without delay in the documents Parliamentarians). <L 1998-11-19 / 42, art. 11 **Effective:** 11-12-1998> <L 2003-04-02 / 34, art. 14, 005; **Effective:** 16-04-2003>

(Also, the presidents shall promptly transmit a copy of the financial reports or Parliamentary documents referred to in paragraph 1, by registered mail, to the Court charging the accounts to make, pursuant to (Article 1, 4, paragraph 3) in a within one month, a notice regarding the accuracy and completeness of such reports.) <L 2003-04-02 / 34, Art. 14, 005; **Effective:** 16-04-2003> <L [2007-03-23 / 31](#), art. 16, 009; **In Effective:** 28-03-2007>

(The Control Commission may make observations and approve the financial report (in ninety days after the period specified in paragraph 1), including on the basis of the opinion of the Court of Auditors, provided it finds no irregularities. The opinion of the Court of Auditors is attached to the report of the Control Board.) (In case of judicial investigation ongoing, open to the public prosecutor and having a direct connection with the financing parties, approval is subject.) <L 1998-11-19 / 42, art. 11 **Effective:** 11-12-1998> <L 2003-04-02 / 34, Art. 14, 005; **Effective:** 16-04-2003> <L [2008-01-18 / 30](#), art. 5 010; **Effective:** 23-01-2008>

The procedure and rules for monitoring and hearing of those concerned are fixed by the internal regulations of the Control Board. This regulation is published in Belgian Official Gazette.

The summary of the financial report, the comments and the act of approval are transmitted without delay by the presidents of the House of Representatives and Senate of the Minister Finance and Services Moniteur Belge who are required to publish in the Annexes Belgian Official Gazette within thirty days of receipt.

[Art. 25](#) . The default approval of the financial report by the Audit Commission, that the defect filing or late filing of this report entail:

1 loss staffing that would be granted to the institution referred to in Article 22 (during subsequent period set by the Audit Commission, which may not be less than one months or more than four months) under Chapter III of this Act;

2 (...)

(The approval provided under section 24 drives the preventive suspension of a twelfth of the annual allocation.)

(Amending references:

- L 1993-06-18 / 34, Art. 12 and 14

- L 1998-11-19 / 42, art. 12 **Effective:** 11-12-1998)

[Art. 25bis](#) . <Inserted by L 1998-11-19 / 42, art. 13 **Effective:** 11-12-1998> Decisions referred to in Articles 24 and 25 are subject to revision at any time.

[CHAPTER V.](#) - Transitional and final provisions.

[Art. 26](#) . (...) <L 1993-06-18 / 34, Art. 15>

[Art. 27](#) . (...) <L 1993-06-18 / 34, Art. 16>

[Art. 28](#) . The King is responsible for implementing the provisions of Chapter II (Article 22).
<L 1994-05-19 / 62, Art. 11>

[Art. 29](#) . This Act comes into force on 1 January 1989, with the exception of Article 27, which take effect from the tax year 1991.

(Paragraph 2 repealed.) <L [2007-03-23 / 31](#) , art. 17, 009; **Effective:** 28-03-2007>

[Art. 30](#) . (Repealed) <L [2007-03-23 / 31](#) Art. 18, 009; **Effective:** 28-03-2007>

[ANNEX.](#)

[S. N.](#) <Added by L 1998-11-19 / 42, art. 14 **Effective:** 11-12-1998>

The financial report referred to in Article 23 include at least the following documents:

1. A document identifying the party and its components as defined in Article 1, 1, paragraph 2.

The identification includes at least the name, seat, legal form, corporate purpose and composition (name, address, occupation) the managing and supervisory bodies of each of the party components.

2. Synthetic statements (balance sheet and income statement) of each component party policy of the definition which is given by Article 1, paragraph 1. 2. These accounts can be established in the form of a summary table showing at least by component

:

- a) total assets, total provisions and liabilities and the amount of heritage;
 - b) products and current loads, the current result before financial result, the result Financial, exceptional items, the result of the exercise;
 - c) the number of persons employed expressed in full time equivalents that are load supported by the party component.
3. The consolidated financial statements of the political party and its components including a consolidated balance sheet, consolidated income statement, as well as explanatory notes to the headings of the consolidated balance sheet and consolidated income statement according to the scheme drawn up by the Control Board election expenses and accounting of political parties.
4. A report of the auditor in which the latter:
- a) confirms that the financial statements are prepared in accordance with regulations.
- This report constitutes a certificate within the meaning of the general auditing standards established by the Institute of Auditors;
- b) sets if the administrative and accounting organization of the party and its components is sufficient to draw up consolidated accounts;
 - c) analyzing the data of the consolidated accounts, highlighting aspects that are may adversely understanding the financial position and results as well as comparability.

Modification (s)

- ACT RELEASES 15-02-2012 06-03-2012
(MODIFIED ART. 18) [IMAGE](#)
- ACT RELEASES 18-01-2008 23-01-2008
(ART MODIFIED: 1; 12; 14; 24.) [IMAGE](#)
- ACT RELEASES 23-03-2007 28-03-2007
(ART MODIFIED: 1; 2; 4BIS; 5; 11BIS; 12; 13; 14.)
(ART MODIFIED: NL15; 15a; NL16; 16TER; NL19.)
(ART MODIFIED: NL21; 24; 29; 30.) [IMAGE](#)
- ACT RELEASES 27-03-2006 11-04-2006
(ART MODIFIED: 1.) [IMAGE](#)
- ACT RELEASES 17-02-2005 13-10-2005
(ART AMENDED. 15b) [IMAGE](#)
- ACT RELEASES 17-02-2005 21-04-2005
(ART MODIFIED: 15; 30.) [IMAGE](#)
- ACT RELEASES 02-04-2003 16-04-2003
(ART MODIFIED: 1; 2; 4; 5; 6; 11BIS; 12; 13; 14;).
(ART MODIFIED: 16BIS-16TER; 18; 24.) [IMAGE](#)
- ACT RELEASES 19-02-2003 21-03-2003
(MODIFIED ART. 17) [IMAGE](#)
- ACT RELEASES 13-12-2002 10-01-2003
(ART MODIFIED: 1, 2.) [IMAGE](#)
- ACT RELEASES 27-12-2000 24-01-2001
(ART MODIFIED: 2.) [IMAGE](#)
- ROYAL DECREE OF RELEASES 20-07-2000 30-08-2000
(ART MODIFIED: 2; 6; 16; 16BIS; 22.) [IMAGE](#)
- ACT RELEASES 23-06-1999 19-08-1999
(MODIFIED ART. 23) [IMAGE](#)

- ACT RELEASES 12-02-1999 18-03-1999
(ART MODIFIED: 15b; 16BIS.) [IMAGE](#)
- ACT RELEASES 19-11-1998 10-12-1998
(ART MODIFIED: 1; 2; 5; 6; 14; 16BIS; 16TER; 22; 23.)
(ART MODIFIED: 24; 25; 25BIS; ANN.)
- ACT RELEASES 10-04-1995 15-04-1995
(ART MODIFIED: 6.)
- ACT RELEASES 10-04-1995 15-04-1995
(ART MODIFIED: 2; 4; 5).
- ACT RELEASES 10-04-1995 15-04-1995
(ART MODIFIED: 15a; 16; 22.)
- ACT RELEASES 10-04-1995 15-04-1995
(ART MODIFIED: 1.)
- ACT RELEASES 12-07-1994 19-07-1994
(ART MODIFIED: 4; 4BIS.)
- ACT RELEASES 19-05-1994 25-05-1994
(ART MODIFIED: TITLE; 1; 2; 4; 5; 13; 14; 16BIS.)

(MODIFIED ART. 23)

□ ACT RELEASES 18-06-1993 07-08-1993

(ART MODIFIED: 1; 2; 4; 5; 6; 12; 13; 14; 16; 16BIS.)

(ART MODIFIED: 18; 20; 21; 25; 26; 27.)

□ ACT RELEASES 21-05-1991 04-06-1991

(ART MODIFIED: 4; 14).

□ OFF COURT OF ARBITRATION RELEASES 21-12-1990 31-01-1991

(MODIFIED ART. 14)

Parliamentary Business

Ordinary Session 1988-1989. House of Representatives. Parliamentary documents. -

Draft law No. 747-1. Amendments, Nos 747-2 to 4. - Report No. 747-5. -

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Discussion and adoption. Meeting on 1 June 1989. Senate. Parliamentary documents. - Project transmitted by the House of Representatives, No. 714/1. - Report No. 714-2. Annals

Parliamentarians. - Discussion. Meeting of 22 June 1989. Adoption. Meeting of June 23, 1989.